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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

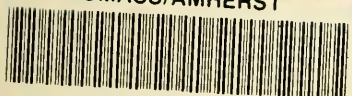
IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



FEBRUARY 1990

Printed for the use of the Committees on Foreign Affairs and Foreign
Relations of the House of Representatives and the Senate respectively

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U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1990

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FOREWORD

The country reports on human rights practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirements of section 31 of the Bretton Woods Agreements Act and section 505(c) of the Trade Act of 1974, as amended.

The reports cover the human rights practices of all nations that receive U.S. foreign assistance as well as those nations that do not but are members of the United Nations. They are printed to assist Members of Congress in the consideration of legislation.

DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs.

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations.

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, January 31, 1990.

HON. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
HON. THOMAS S. FOLEY,
Speaker, House of Representatives.

DEAR SIRs: I have the distinct honor to present the report prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

With best wishes,
Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

Enclosure.

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

INTRODUCTION

1989 Human Rights Report

This report is submitted to the Congress by the Department of State in compliance with Sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended.* The legislation requires human rights reports on all countries that receive aid from the United States and all countries that are members of the United Nations. In the belief that the information would be useful to the Congress and other readers, we have also included reports on the few countries which do not fall into either of these categories and which thus are not covered by the Congressional requirement.

Congress amended the Foreign Assistance Act with the foregoing sections of law so as to be able to consult these reports when considering assistance programs for specific foreign countries. One of the very important consequences--perhaps unintended--of these legislative provisions is that they have made human rights concerns an integral part of the State Department's daily reporting and daily decisionmaking. A human rights officer in an Embassy overseas who wants to write a good annual human rights report on the country in which he or she works must carefully monitor and observe human rights developments throughout the year on a daily basis. As a consequence he or she will report on such developments whenever something of human rights significance happens in the country of assignment. In the past 12 years, the State Department has become decidedly better informed on and sensitized to human rights violations as they occur around the globe.

* Section 116(d)(1) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding...

"(1) the status of internationally recognized human rights, within the meaning of subsection (a)...

(A) in countries that received assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act."

Section 502(B)(b) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance."

The year 1989 may very well go down in history books as a watershed year regarding the worldwide cause of human rights. The revolutionary changes in Bulgaria, Czechoslovakia, the German Democratic Republic, and Romania left Albania as the only totalitarian regime left intact in Europe by year's end. In Poland's elections, Solidarity won nearly all contested seats and saw one of its members installed as Prime Minister. Constitutional reforms in Hungary should lead to the installation of a government by consent of the governed in 1990. Free elections are promised in Bulgaria, Czechoslovakia, the GDR, and Romania.

What was striking about these dramatic changes in Eastern Europe was that, except for those in Romania, they occurred almost without bloodshed. The Soviet Union's acceptance of these changes was undoubtedly a significant factor in the peaceful character of the transition, as was the orderly and democratic spirit of the popular movements themselves.

The spectacular events in what were once known as the Soviet satellites tended to overshadow remarkable steps taken by the Soviet Union in the direction of an open society. Elections to the Congress of Peoples' Deputies, though rigged in some areas, were genuine contests in others, and resulted in the election of numerous opponents of the old order. The Supreme Soviet, chosen from members of the Congress, became a legislative branch relatively independent of the executive. There was further progress regarding freedom of expression, of association, of assembly, and of religion. Many restrictions on emigration were relaxed.

Though reformers strengthened their hold on the top echelon of the Soviet Government, "new thinking" has failed to penetrate many parts of the Soviet bureaucracy. Incidents of the autocratic use of power continue to be reported. The absence of a legal tradition and of legal institutions empowered to protect the rights of individuals add to the leadership's difficulty in getting its reform policies fully enforced. The creation of an independent judiciary remains critically important for the enhancement of respect for human rights in the Soviet Union.

In the Western hemisphere, democratic processes and human rights gained considerable ground. The year 1989 marked the end of the Stroessner dictatorship in Paraguay, election of the leader of the democratic opposition as President of Chile, and peaceful elections in Argentina, Brazil, Uruguay, El Salvador, and Honduras. Elsewhere in the world, human rights progress was recorded in southern Africa, where U.N.-supervised elections took place in Namibia. The newly elected constituent assembly began drafting a new constitution, and we expect independence day to be in the early part of 1990. Newly elected President de Klerk of South Africa has taken some encouraging steps leading to dialogue with the black opposition.

Around the globe, the positive trends are unmistakable, making the setbacks all the more stark. After having moved in the direction of a freer society for more than a decade, China reversed course last June with its suppression of student protests, large-scale arrests, renewed prohibition of the expression of dissenting views, and a renewed commitment to totalitarian governance and indoctrination. Severe repression of all forms of political opposition continued in Burma, and North Korea remained one of the most repressive totalitarian regimes.

Going against the prevailing trend in the Western Hemisphere was Cuba, which once again sharpened repression, particularly of human rights activists, many of whom had cooperated with the 1988-89 U.N. Human Rights Commission investigation. The Government staged a show-trial and then executed a group of military officers who might have been a threat to Castro. Also of concern was the serious setback in Haiti in January 1990 involving the suspension of civil liberties and the arrest, beating, and/or deportation of prominent opposition politicians.

Ethnic violence in Senegal and Mauritania took scores of lives in both countries and resulted in the displacement of at least 200,000 people. In Liberia, unknown numbers of persons were killed, and thousands sought refuge in neighboring countries during fighting between dissidents and units of the army.

Ethnic strife and insurgency took at least 8,500 lives in Sri Lanka and more than 1,000 lives in Sudan. Repressive measures and clan warfare in Somalia caused the deaths of perhaps several thousand persons, and repression and civil war resulted in thousands of casualties in Ethiopia.

Other areas plagued by insurgency, civil unrest, terrorism, and countermeasures taken by governments include Colombia, El Salvador, Guatemala, India, the Israeli-occupied territories, Northern Ireland, Peru, and the Philippines, as well as long-suffering Lebanon. Elsewhere armed conflicts continue to be waged in Angola, Mozambique, Cambodia, and Afghanistan.

As we look to 1990, the questions before us and before the world community are whether the human rights gains of 1989 in Eastern Europe and other parts of the world will be lasting achievements. Is there a danger of relapse? Will human rights problems stemming from domestic rather than international conflicts increasingly draw our attention?

For our part, the United States remains committed to the worldwide promotion and consolidation of human rights and democracy. We see these goals as principal foreign policy challenges. We actively champion them abroad because they reflect the best that is in ourselves. And we do so because we have found that in those countries where human rights and democratic values have taken hold, we find friends--not enemies. These are the world's most stable governments, the most dynamic societies, the bulwarks of freedom, respectful of the rights of their citizens and of their neighbors, and the most responsible contributors to the well-being of the world community.

This year, as last, there are 169 separate reports. The guidelines followed in preparing the reports are explained in detail in Appendix A. In Appendix B is a discussion of reporting on worker rights, as required by Section 505(c) of the Trade Act of 1974, as amended by Title V of the Trade and Tariff Act of 1984 (Generalized System of Preferences Renewal Act of 1984).*

Although the legislation requires reports on worker rights only in developing countries that have been beneficiaries

* Section 505 (c) of the Trade Act provides as follows:

"The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country."

under the Generalized System of Preferences, in the interest of uniformity, and to provide a ready basis for comparison, we have here applied the same reporting standards that we have applied to all countries on which we prepare reports. Appendix C contains a list of 12 international human rights covenants and agreements and indicates which countries have ratified them. Appendix D contains explanatory notes on the statistical table in Appendix E, which shows the amounts obligated for U.S. economic and military assistance for fiscal year 1989.

Definition of Human Rights

Human rights, as defined in Section 116(a) of the Foreign Assistance Act, include freedom from torture or other cruel, inhuman, or degrading treatment or punishment; prolonged detention without charges; disappearance due to abduction or clandestine detention; and other flagrant denial of the rights to life, liberty, and the security of the person. Internationally recognized worker rights, as defined in Section 502(a) of the Trade Act, include (A) the right of association; (B) the right to organize and bargain collectively; (C) prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

In addition to discussing the topics specified in the legislation, our reports, as in previous years, cover other internationally recognized political and civil rights and describe the political system of each country.

In applying these internationally recognized standards, we seek to be objective. But the reports unashamedly reflect the U.S. view that the right of self-government is a basic political right, that government is legitimate only when grounded on the consent of the governed, and that government thus grounded should not be used to deny life, liberty, and the pursuit of happiness. Individuals in a society have the inalienable right to be free from governmental violations of the integrity of the person; to enjoy civil liberties such as freedom of expression, assembly, religion, and movement, without discrimination based on race, ancestry, or sex; and to change their government by peaceful means. The reports also take into account the fact that terrorists and guerrilla groups often kill, torture, or maim citizens or deprive them of their liberties; such violations are no less reprehensible if committed by violent opponents of the government than if committed by the government itself.

We have found that the concept of economic, social, and cultural rights is often confused, sometimes willfully, by repressive governments claiming that, in order to promote these "rights," they may deny their citizens the right to integrity of the person as well as political and civil rights. There exists a profound connection between human rights and economic development. Experience demonstrates that it is individual freedom that sets the stage for economic and social development; it is repression that stifles it. Those who try to justify subordinating political and civil rights on the ground that they are concentrating on economic aspirations invariably deliver neither. That is why we consider it imperative to focus urgent attention on violations of basic political and civil rights. If these basic rights are not secured, experience has shown, the goals of economic

development are not reached either. This is a point which the Soviet Union's reformers seem to have recognized.

United States Human Rights Policy

From this premise, that basic human rights may not be abridged or denied, it follows that our human rights policy is concerned with the limitations on the powers of government that are required to protect the integrity and dignity of the individual. Further, it is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy.

In much of the world, the United States has a variety of means at its disposal to respond to human rights violations. We engage in traditional diplomacy, particularly with friendly governments, where frank diplomatic exchanges are possible and productive. Where we find limited opportunities for the United States to exert significant influence through bilateral relations, we resort to public statements of our concerns, calling attention to countries where respect for human rights is lacking. In a number of instances, we employ a mixture of traditional diplomacy and public affirmation of American interest in the issue.

The United States also employs a variety of means to encourage greater respect for human rights over the long term. Since 1983 the National Endowment for Democracy has been carrying out programs designed to promote democratic practices abroad, involving the two major United States political parties, labor unions, business groups, and many private institutions. Also, through Section 116(e) of the Foreign Assistance Act, funds are disbursed by the Agency for International Development for programs designed to promote civil and political rights abroad. We also seek greater international commitment to the protection of human rights and respect for democracy through our efforts in the United Nations and other international organizations, and in the process devised by the Conference on Security and Cooperation in Europe.

Preparation of these annual reports constitutes an important element of our human rights policy. The process, since it involves continuous and well-publicized attention to human rights, has contributed to the strengthening of an international human rights agenda. Many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. In calling upon the Department of State to prepare these reports, Congress has created a useful instrument for advancing the cause of human rights.

Richard Schifter
Assistant Secretary of State
for Human Rights and Humanitarian Affairs

AFRICA

ANGOLA*

The People's Republic of Angola (PRA) is ruled by the sole legal political party, the Marxist-Leninist Popular Movement for the Liberation of Angola (MPLA). President Jose Eduardo Dos Santos is both Head of State and chief of the MPLA. His rule was reconfirmed by the MPLA's Second Party Congress in December 1985. All major policy decisions are made by a small elite in the MPLA, which also controls all means of mass communication. Open political dissension is not tolerated.

The Angolan armed forces (FAPLA) total approximately 100,000. FAPLA is backed by a lightly armed People's Militia, which is used for counterinsurgency and defensive duties at the local level. The armed opposition, the National Union for the Total Independence of Angola (UNITA), is estimated to have a regular force of about 30,000, as well as a comparable number of irregular troops. It has the allegiance of a substantial portion of the population, especially among Angola's largest ethnic group, the Ovimbundu.

UNITA controls the southeastern quarter of Angola's territory. The United States supports UNITA in the Angolan conflict and has provided it with assistance. The PRA receives extensive military assistance from the Soviet Union. As of November 1, 1989, half of the estimated 50,000 Cuban troops who were stationed in the country had been withdrawn in accordance with the New York accords of December 22, 1988. Under these agreements, Cuba is obligated to withdraw a total of 33,000 troops by April 1990, and all Cuban troops are to be out of Angola by July 1, 1991.

A civil war, combined with a Communist command-style economy, has devastated the country's infrastructure, forced a return to barter in some areas, and led the PRA to divert much of its revenues to the military, including payments to the Soviet Union for military equipment and to Cuba for combat troops. Although the PRA receives substantial foreign exchange earnings from oil exports, the expenditure of hard currency for weapons and the impact of war on the productivity and distribution networks of Angolan agriculture appear to have created a chronic food shortage in both the cities and the countryside. The PRA, in response to the generally critical economic situation, announced in 1987 its intention to institute some market-oriented economic reforms. By the end of 1989, little progress had been made, although the International Monetary Fund voted in midyear to admit the PRA.

The civil war between the PRA and UNITA has ravaged Angola since 1975 and has resulted in widespread human rights abuses on both sides with many civilian casualties. A regional conflict on Angolan and Namibian territory has added further destruction and violence. On December 22, 1988, the Republic of Cuba, the People's Republic of Angola, and the Republic of South Africa signed a series of agreements (the New York accords) under U.S. mediation which are leading to independence for Namibia in accordance with the U.N. Settlement Plan and the phased and total withdrawal of Cuban troops from Angola. This has significantly reduced regional

*The United States does not recognize or maintain diplomatic relations with the People's Republic of Angola and has no diplomatic personnel there to monitor human rights conditions or evaluate allegations of abuses.

ANGOLA

tensions. In June 1989, at Gbadolite, Zaire, President Dos Santos and Dr. Savimbi, leader of UNITA, agreed to a ceasefire and committed themselves to achieving national reconciliation. In the months that followed, the cease-fire broke down and fighting resumed with new charges of human rights abuses. In December the PRA, with the help of Soviet advisers, launched a new military offensive into UNITA-controlled areas of southeastern Angola. As the year ended, the U.S., Zaire, and other countries in the region were working to reestablish the cease-fire and get negotiations started to end the civil war.

One human rights group, Africa Watch, has estimated total civil war victims at 200,000 Angolans killed, more than 20,000 children orphaned, and 20,000 to 50,000 Angolans left as amputees due to the widespread use of land mines by both sides. In addition to extensive violence against civilians, human rights remained restricted across the board with problems of mistreatment of prisoners, arbitrary detentions, lack of fair trial, and restrictions on freedom of speech, press, association, movement, worker rights, and the right of citizens to change their government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Reports of political killings on the part of PRA forces and UNITA, both in combat areas and in the form of summary executions of prisoners, persisted in 1989. It is difficult to evaluate the various claims and counterclaims. The fighting also resulted in many civilian deaths. While some of these deaths were inadvertently caused by military operations, others may have been deliberately perpetrated by opposing forces to intimidate civilian populations. The PRA and UNITA publicly and repeatedly accused each other of practicing terrorism against their respective opponents, including killing or maiming civilians.

UNITA has charged that Cuban forces have been involved in attacks on civilians. In addition, UNITA has asserted that FAPLA and Cuban forces used aerial chemical warfare against military and civilian opponents in 1989. Tests carried out by American forensic experts, however, did not yield positive results.

b. Disappearance

There is no information either to confirm or deny that secret arrests or clandestine detentions are practiced by PRA security agencies or by UNITA, although each side has accused the other of such practices.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of torture and mistreatment made by both sides appear to have some basis in fact, but torture of opponents does not appear to be a generalized systematic practice of either PRA organizations or UNITA. The number of torture allegations against UNITA increased in 1989. Little information is available on the administrative structure and

ANGOLA

practices within UNITA-held areas. Reports that UNITA mistreats some prisoners could neither be confirmed nor disproved.

PRA prison authorities reportedly have wide latitude in the treatment of prisoners. Treatment of political detainees in the prisons controlled by the PRA Ministry of State Security appears to be harsher than treatment in the regular prisons. There are reports of sexual torture of UNITA prisoners and mistreatment, including beatings, threats, and prolonged interrogation with the use of force. Family visits appear to be arbitrarily restricted in many instances. In 1989 foreign advisers, including Cubans and East Germans, continued to assist PRA state security services and may have helped operate the state security prisons. AI's 1989 Report notes that three former security officials were convicted of ill-treating prisoners during 1988 (nine were tried).

d. Arbitrary Arrest, Detention, or Exile

Under laws enacted by the PRA, persons suspected of committing serious acts against "state security" may be held by the Ministry of State Security without charge for an initial period of 3 months, renewable for a further period of 3 months. Such detainees need not be presented to a judge within 48 hours of their arrest, as stipulated in the Code of Criminal Procedure for persons suspected of other kinds of crime, and apparently have no right to challenge the grounds of their detention. After 6 months in detention without charge, the detainee must be informed of the accusations, with the State Security Service either informing the public prosecutor of the charges or releasing the suspect. Once the case is presented to the public prosecutor, there does not appear to be a specific time limit within which a suspect must be brought to trial.

The deterioration of the security situation has exacerbated the general decline in judicial safeguards and due process. The PRA has established regional military councils throughout much of Angola. They are responsible directly to President Dos Santos and have broad authority to restrict the movement of people and goods, to requisition people and goods without compensation, and to try crimes against "state security." The MPLA has also created "People's Vigilance Brigades" for urban areas, whose powers are not clear but which include general administration and "protecting the people and ensuring public order and stability."

Press accounts alleged that UNITA had detained or executed Pedro "Tito" Chingunji, a former UNITA representative in the United States, at the beginning of the year. Chingunji was later seen alive and apparently well in Jamba, UNITA's headquarters in southeastern Angola.

The number of political detainees and prisoners held by the PRA at the end of 1989 was not known. However, the PRA claimed to have released 700 political prisoners during the first 6 months of the year. If this figure is correct, it appears that the MPLA has been holding many more regime opponents than previously believed.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

Although the PRA Constitution provides for an independent judiciary, in practice the judiciary follows MPLA party guidelines. The Constitution also states that no citizen shall be arrested and brought to trial except under the terms of the law, which includes a public trial and the right of the accused to legal counsel. There is, however, insufficient information to determine if, or to what extent, these rights are observed in practice in regular criminal and civil cases.

In the past, AI has expressed concern that trials of political opponents of the PRA, notably in military tribunals, do not conform to internationally recognized standards. AI's 1989 report notes that 20 defendants convicted in 1988 for ties to UNITA were not given adequate opportunity to present their defense or to appeal their cases. AI also reported the 1989 conviction of two military pilots on espionage charges. They were sentenced to death and not permitted to appeal.

Judicial lines of authority are unclear, especially since the PRA's regional military councils have been given responsibility for the trial of offenses against "state security," including "economic crimes." It is not known which trials are open to the public and under what rules of procedure the various military and civilian courts operate. The PRA Constitution also provides for a People's Supreme Court, but no information is available about its jurisdiction.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution provides for the inviolability of the home and privacy of correspondence, the PRA conducts arbitrary searches of homes, censors private correspondence, and monitors private communications.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The resumption of the conflict in August, after the breakdown of the June cease-fire, led to some of the most violent fighting in 1989. Displaced persons interviewed in UNITA territory have stated that FAPLA forces capture escaping civilians, particularly children, and send them to special camps within PRA territory or to Communist countries such as Cuba and East Germany for "reeducation."

New York Times reporter Kenneth Noble visited Samba Caju (180 miles east of Luanda) as part of a group of reporters taken to the town by PRA authorities. There he conducted interviews with townspeople under PRA auspices. He wrote that UNITA soldiers invaded the town on September 17, 1989, shooting civilians (at least 15 were killed and 40 wounded) and destroying shops, houses, and a medical clinic.

Africa Watch reports that some of the refugees interviewed by its representatives stated that UNITA captured civilians, transported them to UNITA territory, and forced them to farm.

The PRA and UNITA have accused each other of placing land mines in footpaths to agricultural fields as part of a strategy to deny food to civilians in contested areas. Thousands of civilians have lost limbs as a result of the widespread use of land mines. According to the Africa Watch

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study, mines placed by FAPLA forces accounted for most civilian casualties in northern Angola, while UNITA-placed mines were blamed for civilian casualties in eastern Angola.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The PRA Constitution provides for freedom of expression, but the Angolan people live under censorship, intimidation, and control of the media. Opposition views are not tolerated, and critics such as Bartolomeu Dias Fernandes, who was accused of "insulting the Head of State," have been sentenced to long prison terms.

Although the PRA is especially sensitive to criticism in the foreign press, in 1986 it began to allow the controlled travel of foreign correspondents to Angola, a practice which continued in 1989. The circulation of Western journals and periodicals in PRA-controlled Angola is tightly restricted.

b. Freedom of Peaceful Assembly and Association

Although the PRA Constitution calls for freedom of assembly, it is denied to any political group or movement other than the MPLA or its associated mass organizations. All other political movements have been banned. There are numerous unconfirmed reports of arrests of people who voice support for opposition movements or alternative political systems. The People's Vigilance Brigades, which have some law enforcement authority in urban areas, and the martial law climate throughout the country tend further to restrict freedom of assembly and association.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the PRA Constitution provides for the inviolability of freedom of conscience and belief and for separation of church and state, the PRA authorities publicly emphasize the importance of propagating atheism and have been critical of religious activities. Approximately 85 percent of the Angolan population is either Roman Catholic or Protestant, while the remainder practice a variety of animist beliefs. Systematic persecution of priests, pastors, and catechists and confiscation of Church property occurred in PRA-controlled areas between 1975 and 1979, but since then the PRA has eased its antireligious stance and has not moved to close down officially recognized churches. Church services are held regularly, and there is wide attendance.

Foreign and Angolan missionaries are allowed to carry out their normal activities. UNITA respects freedom of religion in the areas it controls and provides limited administrative support to both Catholic and Protestant churches. In the past, UNITA has captured foreign missionaries in contested areas and released them unharmed after publicly warning them of the dangers of being caught in the combat zone.

The PRA refuses to recognize smaller religious sects that it deems subversive, such as the Jehovah's Witnesses. The most recent known case of repression concerns the Tocoist Church, founded in Angola in 1949, which has a syncretic blend of

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Christian beliefs and indigenous religious practices. The Government banned the Church in 1977, and, in early 1987, approximately 60 Tocoists were killed in a confrontation with irregular units of the MPLA military and state security forces. Although this ban was lifted in 1988, there were reports of more arrests of members in that year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

As a result of the fighting and the widespread use of land mines by both sides, travel by road in most areas of Angola is dangerous. The PRA is acutely sensitive about security and has tightly restricted travel. It has also instituted a pass system within Angola, and foreigners are generally prohibited from traveling outside the principal cities. UNITA has publicly warned that it considers all of Angola to be a war zone and that it cannot guarantee the safety of persons traveling there.

Angolan citizens are allowed to travel abroad, but this travel is carefully controlled by the PRA's restrictions on issuance of passports and exit visas and by currency restrictions. Emigration is restricted. The PRA limits travel to Angola through a selective and stringent visa policy.

An estimated 670,000 persons, and probably a greater proportion of the Angolan population of 8 to 9 million, have been displaced internally. Africa Watch reports that the PRA authorities have forcibly displaced thousands of civilians, in part to deny UNITA a social base, and that UNITA has captured thousands of civilians and forced them to work on UNITA farms.

There are some 400,000 Angolan refugees resident in neighboring countries. Approximately 300,000 Angolans are still refugees in Zaire, and an estimated 94,000 are in Zambia. There are approximately 11,000 Zairian refugees or displaced persons in Angola. Namibian refugees have been repatriated as a result of the New York accords, which also led to the departure of a large contingent of South African nationals affiliated with the African National Congress.

By the end of September 1989, approximately 2,100 Angolan refugees were repatriated from Zaire to the PRA and nearly 1,900 Zairian refugees returned home from the PRA. This repatriation, sponsored by the United Nations High Commissioner for Refugees, was intended to return 5,000 refugees to their homes--2,500 from each country--by late November 1989. A new registration for other refugees wishing to return home was expected to begin in January 1990.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Angolans do not have the right to change their government. Most of Angola is ruled by a small group of officials within the party apparatus of the ruling MPLA. The PRA Constitution provides for popular participation in the political process, but political activity is limited to participation in the MPLA or in one of its controlled and sanctioned organizations such as its youth wing, the Angolan Women's Organization, or the trade union movement. Political power is centered in the elite membership of the Politburo and the somewhat larger Central Committee. Party membership is very restricted, with fewer than 30,000 members.

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The PRA Constitution provides for a popularly elected National People's Assembly, established in 1981, and people's assemblies at the provincial and local level. However, despite recent suggestions from President Dos Santos that the powers and membership of the National People's Assembly be broadened, only candidates chosen and endorsed by the MPLA have been elected. Key members of the party also hold leadership positions in the provincial and local assemblies. A new round of elections is planned for 1990 under the existing restrictions, but depending upon progress in the negotiations between the MPLA and UNITA, this may be subject to change.

Both the MPLA and UNITA have primarily ethnic bases of support--the MPLA among the Mbundu, and UNITA among the Ovimbundu, Ganguela, and Lunda-Chokwe. The National Front for the Liberation of Angola (FNLA) has its base among the Bakongo, but the FNLA is no longer a major force in Angolan politics and has in part been integrated into the MPLA. Members of all of Angola's ethnic groups and religions participate in both organizations, some at high levels of the party. However, non-Mbundu groups are greatly underrepresented in the small group within the ruling PRA Central Committee and Politburo. Mestizos (Angolans of mixed racial background numbering only about 1 percent of the population) remain the most highly skilled and educated group in Angola and are influential--politically, culturally, and economically--beyond their numbers in the PRA.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The PRA did not respond to AI's 1987 appeal for information concerning numerous political detainees, and neither the PRA nor UNITA would let Africa Watch researchers into the country in 1989 (Africa Watch's report was based on interviews with 87 Angolan refugees in camps in Zaire and Zambia). The PRA has allowed the International Committee of the Red Cross (ICRC), the United Nations Children's Fund, and Catholic Relief Services to provide food assistance in areas it controls. UNITA allows the ICRC, Medicins Sans Frontieres, and Operation Handicapped International to conduct similar operations in areas under its control. Neither the PRA nor UNITA have yet responded to ICRC requests for access to all persons arrested in connection with internal events and the military situation in the country.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Because of the disturbed situation prevailing in most of Angola, there is little information available on the existence or extent of discrimination on the basis of race, sex, religion, language, or social status. There is also no information available on the extent of violence against women in Angola. Given the country's 500-year colonial legacy, Portuguese is the official language of Angola.

Section 6 Worker Rights

a. The Right of Association

Angolan workers do not have the right to form independent trade unions. The sole, legally recognized, trade union

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organization in the PRA is the National Union of Angolan Workers (UNTA), which was formed in the late 1950's as an appendage of the MPLA and became the ruling party's official labor wing after Angolan independence in 1975. The preindependence labor centers of rival liberation organizations ceased to exist soon after the MPLA took control of most of the country. The monopoly situation of the UNTA is ensured by the statutory basis of the single-union structure. In addition, the activities of the labor central and its affiliates are tightly controlled by the MPLA. Strikes are illegal and considered to be a crime against "state security."

The PRA has ratified ILO Conventions 87 and 98 regarding freedom of association and collective bargaining. The UNTA is affiliated with the continent-wide Organization of African Trade Union Unity and the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to bargain collectively. The PRA, through its Ministry of Labor and Social Security, controls the process of setting wages and benefits, but it coordinates its actions with UNTA and employers. There are no export processing zones in Angola. As far as is known, labor legislation is applied uniformly throughout the PRA.

c. Prohibition of Forced or Compulsory Labor

Existing PRA legislation authorizes compulsory labor for breaches of labor discipline and participation in strikes. On the basis of this legislation, the International Labor Organization (ILO) in 1984 cited the PRA for being in violation of ILO Convention 105, which prohibits forced labor. Also, in 1988 the ILO Committee of Experts cited the PRA for its failure to bring its legislation into conformity with ILO Convention 105, which the PRA had ratified in 1976.

During 1989, both the PRA and UNITA accused each other of relying on forced conscription of young males for recruitment into the military forces.

d. Minimum Age for Employment of Children

There is no information available on this subject.

e. Acceptable Conditions of Work

There is also no information available on this subject.

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The People's Republic of Benin is a single-party state headed by President Mathieu Kerekou, who came to power in a military coup in 1972. In 1974 President Kerekou declared Benin to be a Marxist-Leninist state under the direction of a single political party, the People's Revolutionary Party of Benin. However, on December 7, 1989, the party's Central Committee, the standing committee of the National Revolutionary Assembly, and the National Executive Council (cabinet ministers plus the six provincial governors), under the chairmanship of the President, announced that Marxism-Leninism was no longer the State's official ideology.

Benin's Armed Forces number approximately 4,000 personnel. In addition to the regular army, there are small navy, air force, and militia contingents. The army is the main internal security force, backed by the paramilitary gendarmerie, regular police units, the presidential guard, and the Documentation and Information Service, the Government's intelligence agency.

Benin's underdeveloped economy is largely based on subsistence agriculture, cotton production, regional trade, and a low level of offshore oil production. In June the Government signed agreements with the World Bank and the International Monetary Fund which included austerity reforms, e.g., reducing the number of state enterprises, cutting wasteful fiscal expenditures, deregulating trade, and encouraging private-sector activity. Benin's small modern economy, however, remained depressed in 1989 due to falling world prices for local exports, relatively high debt service charges, and widespread unemployment.

Human rights continued to be circumscribed in 1989. In the face of social unrest and strikes by students, teachers, civil servants, and even some military personnel over the deteriorating economic situation and alleged corruption, the Government cracked down hard on demonstrators in January, February, and December 1989, killing one worker and two youths, including a 12-year-old, and detaining a number of persons. On August 29, 1989, the President granted a general amnesty and clemency to 133 political detainees, to another 30 persons accused of coup-plotting, and to 29 persons in exile. He also stressed the importance of human rights by: approving a visit from an Amnesty International (AI) mission in April; authorizing the establishment of a nongovernmental National Commission on Human Rights; and personally visiting the military Camp Guezo Detention Center in June to discuss with security officials the problem of arbitrary detention. Major human rights concerns included mistreatment of prisoners and detainees, arbitrary detentions, restrictions on freedoms of speech, press, assembly, and the right of citizens to change their government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings in Benin in 1989, but the Government's use of lethal force in countering public disturbances and strikes in 1989

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led to the deaths by gunfire of at least one striking factory worker at Save in January and two young demonstrators in Cotonou in December.

b. Disappearance

There were no reports of disappearances in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Beninese penal code requires that prisoners be treated consistent with "prison discipline and security." Mistreatment of prisoners and detainees occurs. Cases of prisoner death from torture (primarily beatings), disease, or poor prison conditions were reported by private sources and by AI in its 1989 Report.

There were credible reports that two prisoners died after having been tortured in 1989. Serge Gnimadi, a 21-year-old member of the National Union of High School Teachers, was arrested on January 23 for allegedly engaging in vandalism and other activities threatening public order during strikes in Porto Novo. He died in prison at the end of February; the Government stated tetanus was the cause of death. Luc Togbadja, a student arrested for transporting antigovernment tracts on March 3, was detained at Cotonou's Camp Guezo until May 6. He was then moved to the Petit Palais, a security forces installation, and reportedly beaten to death there. President Kerekou visited Camp Guezo shortly thereafter to investigate allegations of human rights abuses, but at the end of 1989 there had been no report or formal investigation, and no disciplinary action had been taken against responsible persons.

Prison conditions in Benin are very poor. Sanitation and medical facilities are deficient, and the prison diet is inadequate unless supplemented by food from friends or relatives. Much public attention has centered on conditions at two remote detention centers: the civil prison in Segbana, where there had been protests in 1988, and Sero Kpera military camp in Parakou. The amnesty in August reportedly eased significantly the overcrowding in several prisons, including Segbana, where members of the Dahomey Communist Party had been detained.

d. Arbitrary Arrest, Detention, or Exile

While Benin's legal system requires judicial review of detention, this is not always observed in political cases. The Constitution states that no citizen may be arrested without an arrest order authorized by an established judicial body. However, there is no time limit with respect to charging a defendant or bringing the accused to trial. In practice, persons have been detained incommunicado, some for extended periods, without charge and without recourse to legal assistance or judicial hearing. Outside the judicial system, the Government has used an administrative body, the Permanent National Commission of Inquiry, to question political detainees about their activities and to decide whether they should remain in custody.

The President publicly addressed the question of arbitrary arrest and detention in 1989. On June 20, he visited Camp Guezo (Benin's military and security headquarters) to discuss

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military personnel involvement in arbitrary arrests. President Kerekou asked security officials for a complete accounting of all prisoners being held at the camp and warned against arbitrary detention. Kerekou then organized a June 22 working session with a number of security and judiciary personnel and ordered them to settle quickly all proven cases of arbitrary arrest. By year's end, this was accomplished. There was no evidence of further investigation of, or actions taken against, security officials.

At the beginning of 1989, over 200 Beninese were believed detained in various prisons for political reasons. During the January-February 1989 strikes, 68 persons were arrested for vandalism or otherwise disturbing public order. On April 1, 40 detainees were released from Camp Sero Kpera in Parakou. Among these was Dr. Afolabi Biauou, who had been arrested in 1985 and detained since then without charge. Both AI and the American Association for the Advancement of Science had made appeals in his case. An unknown number of persons were also arrested during antigovernment demonstrations in early December. Most are believed to have been released.

The August amnesty freed 133 political detainees, including several whose cases had been noted by AI, the International Human Rights Law Group, and the American Association for the Advancement of Science. They included: Anselme Agbanoundo, a geological engineer arrested in October 1985; Thomas Houedete, an economist and professor at the University of Benin, arrested in October 1985; Didier D'Almeida, arrested in November 1984; Yako Toko Chabi, in detention since 1985; and Jonas Gnimagnon, Chairman of the Committee of Wives and Relatives of Prisoners of Conscience, arrested in May 1989. The Government had reportedly suspected these persons of ties to the banned Dahomey Communist Party.

The August amnesty also freed 30 persons suspected of coup plotting in 1975 and 1977. At the end of 1989, as many as 20 others remained imprisoned for alleged involvement in more recent conspiracies to overthrow the Government. One group, allegedly involved in a March 1988 plot, is still awaiting trial. A second group, implicated in a Libyan-backed plan to overthrow President Kerekou, was tried and sentenced in February 1989.

There was no use of forced exile in Benin as a means of political control in 1989. The August amnesty also included an invitation for 29 voluntary exiles to return to Benin, although it is not confirmed that any had accepted the amnesty by the end of the year.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Benin's legal system is based on French civil and customary law. In recent years, a civilian court system organized on provincial and national levels has operated, with the People's Central Court as the highest regular court of appeal. In September 1988, the Government held elections for civilians to sit on local tribunals for the first time. Defendants have both the right to be present at their trial and the right to an attorney (at public expense, if needed).

In the past, the Government rarely brought security cases to the trial stage. However, in 1988 a new law established the

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State Security Court, and in 1989, as noted above, a number of political opponents charged with involvement in a Libyan-backed plot were tried before this Court in an open trial and sentenced in February. Their testimony, including segments critical of government policy, was broadcast on public television.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Benin's Constitution provides for the inviolability of the home and requires a warrant from a judge before the police can enter a residence. In practice, authorities enter homes without a warrant in suspected security cases. Reports indicated that the security police also monitor telephones and the mail of persons suspected of antigovernment activities.

Section 2 Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

Public expression of political opinion is controlled, and open criticism of the Government, as occurred during the 1989 strikes and disturbances, is not permitted. However, some negative coverage of the Government and its policies appeared in the independent press during 1989. Most Beninese appear willing to discuss politics freely in private or in small groups, even in the presence of foreigners.

The Government owns and operates the local radio and television stations and one daily newspaper. The Beninese media also includes three independent private newspapers (La Gazette du Golfe, Tam-Tam Express, and La Recade), as well as La Croix, a weekly paper published by the Catholic Church, and Echo, a monthly journal of opinion circulated throughout West Africa. The official media generally carry those stories that are approved by, or serve the interests of, the State.

Private newspapers treat controversial political issues with circumspection, but many articles appeared in the private press in 1989 mildly criticizing President Kerekou and the party on various domestic political and economic issues. There are limits to such criticism, however, as in March the Government arrested and briefly held Parfait Agbele, a journalist with the Gazette du Golfe, reportedly after he had begun research for a story on Luc Togbadja's death. In September the Government confiscated a number of copies of the Gazette after it had published a controversial opinion poll on the Government, and in October it suspended the paper "until further notice." The suspension was canceled on December 8 but with the caveat that future editions be submitted to the Government for prior censorship.

There is normally no censorship of foreign books or artistic works. Foreign periodicals are widely displayed on newsstands, and foreign radio broadcasts are readily available to much of the population through shortwave radio. No attempt is made to interfere with foreign radio broadcasts.

b. Freedom of Peaceful Assembly and Association

In recent years, the Government has permitted the formation of a number of nonpolitical, private, social, service, and professional organizations. All meetings of a political nature, however, must be approved by the State. The

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Government used gunfire against alleged stone-throwers participating in antigovernment demonstrations in 1989.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Christianity, Islam, and traditional religions all coexist in Benin, and adherence to a particular faith does not confer any special status or benefit. There are no restrictions on religious ceremonies, teachings, or foreign clergy, and religious conversion is freely permitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic movement is not restricted. Passport and exit permits are necessary for travel outside West African countries but are usually not difficult to obtain. Emigration is common; many Beninese move to neighboring countries to earn a living and do so without jeopardizing their citizenship. The Government encourages the repatriation of its citizens living abroad but with only limited success to date.

According to the United Nations High Commissioner for Refugees, there were 869 identified refugees in Benin as of August 1989, 808 of whom were Chadians who had fled the fighting in their country. Although some settled in Benin, many now were in the process of returning to Chad. The Government imposes no restriction on the return of refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through democratic means. Political leadership is exercised by President Kerekou and a small group of senior officials, many of whom are military officers. The Cabinet and Political Bureau are made up of persons from a variety of ethnic groups and geographic areas. The People's Revolutionary Party, the sole recognized political party, controls the selection of candidates for the National Revolutionary Assembly and local government bodies. While party membership is not a requisite for holding office or for civil service employment, it can be helpful for political and career advancement. The National Revolutionary Assembly itself rarely takes issue with policies formulated by the President. In the June elections for the National Revolutionary Assembly Beninese citizens voted "yes" or "no" for a single slate of candidates, chosen in advance. There were reports of soldiers intimidating voters, and at a number of polling stations the principle of the secret ballot was not honored. The Assembly, which has little influence on policymaking, reelected Kerekou without opposition to the Presidency 2 months later.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the past, the Government considered any attempt to investigate human rights practices to be interference in its internal affairs. However, 1988-1989 saw a change in that policy. In 1988 the International Committee of the Red Cross

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was permitted to visit Benin and investigate prison conditions. In April 1989, AI representatives visited Benin to discuss the organization's concerns on a number of human rights issues.

In April the National Revolutionary Assembly passed a law creating the Beninese Commission on Human Rights. The Commission, which at the end of 1989 was still in the process of being organized, is a nongovernmental entity designed to promote human rights and review complaints forwarded by private citizens. It will be comprised of 45 members, including lawyers, representatives of nongovernmental organizations, and government officials.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence that discrimination based on race, sex, religion, language, or social status exists in Benin.

The Constitution states that women are by law the equals of men in the political, economic, cultural, and social spheres, and the Government officially encourages opportunities for women. The Constitution also notes that the State "protects the family, in particular, the mother and child" and calls for the development of maternity hospitals and childcare facilities. Female employees have the right to paid maternity leave, although the actual enjoyment of this benefit is limited mostly to civil servants, teachers, and other professionals. Beninese women play a major role in the commercial sector as well as in small-scale family farming, but they have not traditionally had the same educational opportunities as men.

Violence against women, such as wife beating, has been given little attention by the Government. Civil penalties may be applied in cases of domestic violence, but the police and courts are often reluctant to intervene, considering such affairs to be "family matters." The Organization of Revolutionary Women of Benin serves to transmit government and party policy on such issues and make known women's views to the leadership.

According to several local medical practitioners, the practice of female circumcision is not widespread in Benin. However, published reports in the United States suggest about 20 percent of the female population is subject to this practice, mostly in the northern part of the country. The Government is making efforts to eradicate this practice through an education campaign conducted by government-employed health workers, and there are signs that the practice is diminishing, especially in urban areas.

Section 6 Workers Rights

a. The Right of Association

Benin's Constitution states that "union activities are guaranteed to workers," and workers are free to join the union of their choosing. However, the National Workers' Union of Benin (UNSTB), which is closely linked to the Government and party (the President of the National Assembly acts as head of the UNSTB), is the only legally recognized trade union federation in the country. Approximately 75 percent of wage earners belong to organized labor unions. Civil servants are

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obligated to join the UNSTB as a condition of their employment. In August Benin's National Union of High School Teachers declared its independence from the UNSTB and 2 weeks later held a widely publicized and cordial meeting with President Kerekou.

While the right to strike is not explicitly denied or protected in the Beninese labor code, the last labor strike prior to 1989 occurred in 1975 and was forcibly suppressed by the Government after 3 days. However, at various times during 1989 civil service employees at all 15 government ministries, teachers, and professors went on strike for nonpayment of salary arrears. Given such broad opposition, the Government did not interfere with the strikes, but it arrested several persons who allegedly engaged in vandalism or other activities causing public disturbances during the strikes. Also, during a strike by workers at the sugar cane factory at Save in January 1989, soldiers reportedly opened fire into the crowd in an attempt to restore order, killing at least one worker.

The UNSTB is affiliated with the Organization of African Trade Union Unity and the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for under the Beninese labor code. Individual labor unions negotiate with employers on labor matters and represent workers' grievances to employers and to the Government. The Government often acts as arbiter. Until the National Union of High School Teachers became independent in August, all labor organizing and collective bargaining took place under the umbrella of the government-controlled UNSTB. The Beninese labor code prohibits employers from taking union membership or activity into account when making decisions on hiring, work distribution, professional or vocational training, or dismissals. Benin's labor laws apply throughout the country, including in the export processing zone.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited under Article 3 of the Beninese labor code and is not practiced.

d. Minimum Age For Employment of Children

The Beninese labor code prohibits the employment or apprenticeship of children under the age of 18 in any enterprise. However, enforcement is erratic at best, and child labor does occur, especially in the subsistence economy, where children below the age of 14 often work on family farms.

e. Acceptable Conditions of Work

Benin's labor force of 1.9 million (out of a population of 4.5 million) is primarily employed in agriculture (80 percent), with less than 2 percent of the population involved in the industrial (wage) sector. For the wage sector, the Beninese labor code establishes a 40-hour workweek and sets a minimum wage of approximately \$40 per month. In many instances, however, the Government's ability to enforce labor laws and regulations in the wage sector is limited by a shortage of administrative and financial resources and a difficult

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economic environment in which unemployment is high. The minimum wage level normally provides for a degree of food and housing for a family, but in order to provide a decent living it usually has to be supplemented by other means, such as subsistence farming.

The Government has given vigorous support to policies designed to improve the conditions of workers in both the agricultural and industrial sectors. It has, for example, committed itself to the provision of free or low-cost medical care and social services and set occupational safety standards. The labor code sets stringent health and safety standards, but again the resources needed to enforce these regulations are limited.

BOTSWANA

Botswana is a multiparty democracy. The Constitution vests executive power in the President, currently Quett K. J. Masire, who was elected in 1984. The President selects the Cabinet from the 38-member unicameral National Assembly. While there are several political parties in Botswana, in practice the country's politics are dominated by the ruling Botswana Democratic Party (BDP), which has held a large parliamentary majority since independence in 1966. All citizens, including whites, are free to participate fully in the economic and political life of Botswana.

Botswana's small army, the Botswana Defense Force (BDF), consists of 6,200 soldiers. The national police force numbers about 2,900. Both the BDF and the police are subordinate to civilian authority. The army is still being expanded to help resist incursions by the South African Defense Force (SADF) against suspected ANC (African National Congress) targets in Botswana. There were no cross-border raids by South African defense forces in 1989. However, there were continued bomb threats and minor explosions (believed by local observers to be engineered by South Africa) which reinforced Botswana's security worries.

Botswana has a mixed economy and strongly encourages private enterprise. Fueled by the development of mineral resources, especially diamonds, the country's economy has grown at a rapid rate, with real growth in gross domestic product (GDP) averaging 11 percent since 1979. Since independence in 1966, per capita GDP has increased from \$69 to approximately \$1,500 in 1988. However, some 75 percent of Botswana's population lives in rural areas and remains partially dependent for its livelihood on subsistence farming and animal husbandry.

Botswana's human rights record remained good in most respects. The legal rights of citizens are provided for by law and respected in practice. Political violence is virtually unknown, and there is a wide range of public expression. However, violence against women is a persistent problem in a male-dominated society, and mistreatment of detainees, though not condoned by the Government, persists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reported killings instigated either by the Government or opposition groups. Unlike previous years, there were no casualties from alleged South African incursions against suspected ANC targets in 1989.

b. Disappearance

There were no reports of politically motivated disappearances in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are continuing reports of police improperly treating persons in custody. Some lawyers report that the police often beat up suspects and detainees, although the practice is not

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universal or condoned by political leaders or government officials. Penalties for police abuses can range from internal police disciplinary action to regular criminal prosecution, as in a recent case where a constable was prosecuted for unlawful wounding of a suspect. Police may also be sued in civil court if they abuse arrestees.

Flogging is commonly used as a sentence for men for a variety of offenses, including violation of prison rules, rape, armed robbery, burglary, and related offenses.

d. Arbitrary Arrest, Detention, or Exile

Citizens are protected from arbitrary arrest under the Constitution. After an arrest, a suspect must be charged before a magistrate within 48 hours. Once a suspect has appeared before a magistrate, he can be detained only if the magistrate issues a writ of detention, which is valid for 14 days. The detention writ must be renewed every 14 days thereafter. There are complaints that police and rangers from the Department of Wildlife sometimes hold people longer than the prescribed 48 hours, but it is not a general practice and offending officers are punished or sued successfully in civil actions. Persons charged under the National Security Act must be arraigned before a magistrate within 96 hours. Under this Act, suspects, once arraigned, may be held indefinitely, but this Act has rarely been invoked in practice. There are no reported abuses of these detention procedures. There is a functioning system of bail, and arrestees have access to attorneys of their choice, although there is no functioning system of public defenders for those unable to afford a lawyer.

There is no practice of incommunicado detention in Botswana. However, Botswana does not promptly or automatically notify embassies when foreign citizens are detained or arrested.

The Constitution allows the President to declare a person a prohibited immigrant and deport him from the country. No explanation is required, nor is any normally given, and the order is not subject to judicial review. A prohibited immigrant can reenter Botswana only with the permission of the President or his designated representative. In 1989 one person, a British journalist, was deported under this provision, reportedly for maintaining a relationship with African National Congress supporters.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Botswana's judiciary is independent of the executive and legislative branches of government in both law and actual practice. Botswana has two court systems, the regular courts and the customary (traditional) courts.

In the regular courts, the defendant's rights to due process are guaranteed by law and largely honored in practice. Trials are held in public, and court records are public. Trials under the National Security Act (NSA) may be held in camera, but no trials took place in 1989 under the NSA. Defendants have the right to be represented by an attorney, but the courts as a rule only appoint public defenders for those charged with capital crimes (murder and treason); the lawyers in these cases serve on a pro bono basis. Thus, those charged with noncapital crimes are often tried without legal

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representation if they cannot afford an attorney. Defendants can confront witnesses and present evidence. While the burden of proving guilt lies with the prosecution in ordinary criminal cases, some provisions of the National Security Act appear to shift the burden of proof to the accused. However, these provisions have yet to be tested because the Government has not yet brought charges under the National Security Act.

The customary courts usually handle land, marital, and property disputes as well as minor crimes. There are clearly defined appeal procedures and appeal courts in both systems, with the possibility of appeals to the highest court in Botswana, the High Court. Customary courts are open only to members of a tribe. The chief presides over the court, and there are no attorneys for either side.

There were no political prisoners in Botswana at the end of 1989. Two South African commandos, who were convicted of treason in October 1988 for their participation in a bloody commando raid inside Botswana, remained in prison. (Botswana's law, which is based on Roman-Dutch law, allows even noncitizens to be charged with treason.) The High Court turned down the commandos' appeal in July 1989, although it did set aside the sentence of corporal punishment.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights are safeguarded by law and respected in practice. A search warrant issued by a magistrate is required for an official to enter a private residence, except in cases of suspected diamond theft, drug trafficking, or national security matters. There were no reported instances where this exceptional authority was exercised in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press:

Freedom of speech and press are provided for in the Constitution and are respected in practice. Opposition viewpoints and criticism of the Government are freely expressed, as was evident during the campaigning for the October parliamentary elections. In two instances the police videotaped political rallies, but a public outcry forced them to cease this practice.

Although the Botswana Press Agency (BOPA) is part of the Department of Information and Broadcasting, it functions with a great deal of autonomy, and its editorials do not always reflect the Government's view. However, both the Government and the independent press follow unwritten rules against criticizing senior officials directly or discussing the personal lives or financial affairs of important figures. Moreover, one independent newspaper which printed a story critical of the Government soon found few advertisers and attributed this action to government pressure. In addition, access to government officials is difficult for the independent press as civil servants reportedly prefer the "tame" reporters from BOPA.

There is an ongoing debate on the proper coverage of national security issues, which has, in the past, brought the independent press under strong government criticism. Controversy arose in 1988 when the Government barred reporters

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and seized their notes during the court-martial trial of a Botswana Defense Force (BDF) corporal, claiming "national security" would be compromised by coverage of the trial. The press insisted that the Government was using "national security" to mask politically embarrassing facts.

Books and publications are not censored. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Botswana has a long history of peaceful assembly which is integral to their traditional village life and is exemplified in the village meeting, the kgotla. During kgotla meetings, people freely question leaders and voice opinions on local politics. Permits are required for public meetings and demonstrations and are usually granted as long as the police believe public order will be maintained.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is practiced and encouraged. There is no state religion in Botswana, although the majority of the population claim a denomination of Christianity as their belief. Active groups of Hindus, Muslims, Baha'is, and others practice their faiths freely. There are no restrictions on religious groups, their places of worship, the training of members of clergy, religious publishing, religious education, conversion, or participation in charitable activity. Missionaries are allowed to enter the country and proselytize, and foreign clergy can enter and serve expatriate congregations. There is no discrimination based on religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens of Botswana are not restricted in their movements within the country, in their foreign travel, emigration, or their right to return. Passports are easily obtained. Refugees documented by the United Nations High Commissioner for Refugees (UNHCR) are readily accepted into Botswana, although they are required to live in the refugee settlement at Dukwe. Refugees may be authorized to live elsewhere for documented reasons. Due to allegations from neighboring countries that refugees are using Botswana as a launching area for operations against their home countries, Botswana has declared that Dukwe refugees found off the settlement without permission will have abandoned refugee status and will be repatriated.

Although the Government revoked the refugee status of Zimbabweans remaining in Botswana in July 1989, the Government, in cooperation with the UNHCR, has been remarkably understanding regarding their plight. The Government has given special consideration to integrating selected persons, including students and employed workers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right peacefully to change their government through democratic means, although in practice one party, the

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BDP, has dominated Parliament since independence. The President and Members of Parliament are elected by universal suffrage and secret ballot. Thirty-four of the 38 members of the National Assembly are elected every 5 years; the remaining 4 are appointed by the President. Following the October elections, the BDP holds 28 of the 34 elective seats in the National Assembly. At present there are eight political parties. Two of the parties were established just prior to the deadline for registering parties for the October elections. At the end of 1989, three of the parties were represented in Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no international investigations of human rights in Botswana in 1989, and the Government continued to permit international organizations involved in humanitarian affairs to operate in the country. In general, the Government rarely comments on human rights violations in other countries though it frequently denounces South Africa's apartheid.

There are no active human rights organizations in Botswana which focus specifically on domestic issues, but a national-level, nongovernmental human rights watch group, the Botswana Association for Human Rights, was in the process of organization at the end of 1989. The goals of the Association are to focus national attention on those laws which need to be amended, to make recommendations to the national law reform committee, to heighten public awareness about human rights, and to pressure the Government to ratify more of the existing international instruments on human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Tswana majority comprises an estimated 95 percent of the population. Although ethnic differences are not entirely absent, no ethnic or other group suffers from serious discrimination. Groups that live in remote areas, including the Kgalagadi and the San (formerly called bushmen), are becoming increasingly integrated into social service programs, but still lag behind the rest of the population in terms of educational and economic development and continue to be poorly represented in the political arena.

Women make up 53.9 percent of the population, and almost 50 percent of female Batswana are heads of households. Political, social, and economic opportunities for women are limited by a series of laws, and women have no legal recourse to challenge sex discrimination cases.

Women married under either common law or customary (tribal) law are subject to practices in which wives assume a legal status equivalent to the husband's child. Essentially, this means that a woman cannot make a legally binding agreement without her husband's consent or assistance. A woman can enter a binding transaction as a public trader, but she can become a trader only with the consent of her husband. Under customary law the husband is permitted to have other wives after consulting with the first wife and the families. Deference to the husband's wishes also carries over into the health field where a woman is required to obtain her husband's permission for the use of contraceptives or for such operations

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as a hysterectomy.

Many observers believe that domestic violence is common in Botswana and is increasing. Under customary marital practices, men have traditionally held the right to physically "chastise" their wives, although this attitude is gradually changing. Because marital problems are considered to be a problem to be dealt with between the husband and the wife, the police are reluctant to intervene. Frequently problems are settled through the extended families, and as a result, few cases of domestic violence ever come before the courts. The incidence of rape is also increasing in Botswana. The maximum penalty is life imprisonment with mandatory corporal punishment; the average sentence is 4 years with corporal punishment. A form of female circumcision exists in Botswana, but is rarely performed and only by traditional doctors.

The Government has been slow to introduce reforms to improve the status of women. The governing party only established a women's wing in 1987 to focus on women's issues. There has been, since 1981, in the Ministry of Home Affairs, a women's affairs unit, which has published a woman's guide to the law and information on the citizenship law and undertaken research on maternity leave problems, teenage pregnancy, and various laws affecting women.

Section 6 Worker Rights

a. The Right of Association

Workers are free to establish or join labor unions. Government workers who are pensionable may not join unions, although they may have associations that function as quasi-unions. Unions are well developed in the mineral sector and also among railway workers and bank employees, but other sectors are less well organized by trade unions. There is one major confederation of unions, the Botswana Federation of Trade Unions (BFTU).

Trade unions in Botswana are independent of government control or party affiliation, and they actively seek to represent the interests of their members. However, union leadership is severely restricted by a government regulation that requires all elected union officials to work full time in the industry their union represents. This practice has been criticized by the International Confederation of Free Trade Unions (ICFTU), which has also noted that "the dissolution of trade union organizations by government is possible under the law at all times."

Botswana also severely restricts the unions' right to strike. Legal strikes are theoretically possible, but only after an exhaustive arbitration process, so that there has never been a legal strike in Botswana's history. However, illegal wildcat strikes were common in 1989, including major job stoppages by teachers and bank employees. Once a strike has been declared illegal by the Government, management has the right to dismiss employees, and strikers can be jailed. The Government has yet to employ such extreme measures against strikers, although the Government did withhold prestrike pay from striking teachers.

Unions may freely join international organizations and labor representatives regularly attend international conferences. BFTU is affiliated with the ICFTU. In addition, the Botswana Mine Workers Union belongs to a regional mine workers' union

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federation. However, unions have chafed under government regulations which prohibit unions from receiving financial contributions from outside Botswana.

b. The Right to Organize and Bargain Collectively

Although employers are required under the Trade Union Act to bargain with any trade union that has organized at least 25 percent of the work force, the actual frequency of collective bargaining varies depending upon the organizing strength of the union in a particular industry. Collective bargaining is common in sectors such as mining and railways where the trade unions are relatively strong, but virtually nonexistent in other sectors. Collective bargaining is also limited by the Government's incomes policy, which sets public sector salaries as a benchmark for private sector wage settlements.

Although there are laws in Botswana which prohibit employers from dismissing workers for union activities, there is some dispute as to how well they are enforced. Other reasons are always given for such dismissals, so it is difficult for the dismissed employee to prove that union activities were the real reason. Dismissals can be appealed to labor officers or the civil courts, but labor officers rarely do much more than order 2 months' severance pay, and most workers cannot afford civil litigation. There are no export processing zones in Botswana. Labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not practiced in Botswana and is specifically forbidden in the Constitution.

d. Minimum Age for Employment of Children

Botswana law prohibits the employment of children under 12 years of age by anyone except members of the child's immediate family. No juvenile under the age of 15 may be employed in any industry, and only those over 16 may be employed in night work. No person 16 or younger is permitted to work in hazardous jobs, including mining. Botswana law also protects young people from recruiters for jobs outside the country. There are reports that some scattered violations of these standards do occur, especially in small-scale enterprises, in large part because the Department of Labor in the Ministry of Labor is insufficiently staffed to enforce full compliance. Although education is not yet compulsory, it is almost universally available, and most children attend school at least through the primary grades. The Government has indicated it hopes to make 9 years of education compulsory by 1992.

e. Acceptable Conditions of Work

Botswana requires a minimum wage of approximately \$80 per month. The minimum wage is generally enforced. This amount is barely adequate for one person to maintain a decent standard of living, and, in most cases, workers must supplement this amount through other means, such as subsistence farming. Most Botswana families have more than one wage earner.

Botswana law mandates a maximum 48-hour workweek, with provisions for overtime pay (time and a half) for work over 48

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hours. Most major employers adhere to the workweek laws, but some smaller firms refuse to pay overtime, and no action is taken against them.

The Government sets job health and safety standards, and these regulations appear to be generally observed, although the Department of Labor lacks personnel to ensure enforcement.

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Burkina Faso is ruled by a military regime headed by Captain Blaise Compaore, who took power from Thomas Sankara on October 15, 1987 in the country's fourth military coup since 1980. The new military regime continued the ban on political parties and activities and gave no indication that the country will return to constitutional rule. Instead, President Compaore moved to firm up a narrow political base by forming a "popular front" of various leftwing and centrist groups, military officers, and miscellaneous civilians to assist in running the Government. He has also formed a network of Revolutionary Committees (CR's), loosely organized at national, regional, and local levels, to mobilize the population and promote revolutionary goals.

The Burkina Faso armed forces number about 7,500 members, including 5,200 in the army, 100 in the air force, and 2,200 in the paramilitary gendarmerie and the police. All police and internal security forces are controlled by the Ministry of Defense.

Burkina Faso, one of the world's poorer countries, is overwhelmingly tied to subsistence agriculture, with 90 percent of the population living in rural areas. Agriculture is, however, highly vulnerable to fluctuations in rainfall. Frequent drought, lack of communications and other infrastructure, a low literacy rate, and a stagnant economy are all longstanding problems. The country has a per capita income of about \$180 per year.

Human rights continued to be circumscribed in 1989. Problem areas were extrajudicial killings, arbitrary detentions, mistreatment of detainees, and restrictions on press, speech, assembly, and the right of citizens to change their government through peaceful means. The Government did allow the establishment of a local human rights organization (which intervened in some specific cases), permitted some political groupings to form and distribute pamphlets discreetly, and released all political opponents held in prison.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

Four members of the armed forces were summarily executed without trial in September 1989 after allegedly plotting a coup d'etat. The four were Minister of Defense Major Jean-Baptiste Lengani, Minister of Economic Promotion Captain Henri Zongo, the officer in charge of the communications unit, Captain Sabyamba Koundaba, and an unidentified bodyguard of the Minister of Defense. After the coup attempt of Christmas 1989, the Government made a point of denying rumors that 7 people had been executed and said all arrestees would receive trials.

b. Disappearance

There were no reports of politically motivated disappearance.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and mistreatment of detainees have been persistent problems for a number of years. Amnesty International published a special report in 1988, "Burkina Faso, Political Imprisonment and the Use of Torture from 1983 to 1988," giving accounts of the imprisonment of political opponents and torture under the present and preceding governments. Police brutality continued in 1989, although there were fewer credible reports, usually involving severe beatings, often at the time of apprehension. A Catholic Church-sponsored organization has alleged that the police and gendarmerie beat and tortured at least 15 people arrested for political reasons in 1989. The Government denied that anyone has been tortured.

Prison conditions are poor, with most prisons holding double their design capacity, and are characterized by the lack of sufficient food, minimum hygiene, and medical support.

d. Arbitrary Arrest, Detention, or Exile

There were continuing reports in 1989 of arbitrary arrest. The law permits preventive detention without charge for a maximum of 72 hours, renewable for a single 72-hour period in criminal cases. In practice, there are frequent violations of this restriction in cases involving both Burkinabe and foreign nationals, especially in political cases. Several schoolchildren, for example, were held in detention without charge for a number of months in 1988. In addition, in cases of emergency or national security, the military code, which provides for indefinite detention, overrides the civil code. Access to lawyers is not normally permitted in security cases, although it is provided for by law.

The Government detained several persons for political reasons during 1989, but by the end of the year all had been released, many within a few days of their arrest. Immediately following the discovery of the alleged coup plot on September 18, three or four government officials were arrested and held briefly for questioning. These persons were later released, but four others were summarily executed without trial. The Government also released a number of persons detained since the overthrow of the Sankara government in 1987, including former Interior Minister Ernest Nongria Ouedraogo. In this connection, 23 junior military personnel, detained at various times since Sankara's overthrow on suspicion of coup-plotting, were released August 4, 1989. An unknown number of people were arrested as a result of a coup attempt over Christmas 1989. Numbers rumored range from 5 to 30 prisoners, including military personnel. They were still being held at year's end, and the Government had provided no names or other information, despite requests.

Some intellectuals, ex-military officers, and former government officials remain in self-imposed exile abroad, partly due to fear for their safety should they return. Captain Boukary Kabore, leader of resistance at Koudougou airforce base against Compoare's coup in 1987, is now exiled in Ghana. He charged in 1989 that the popular front Government is attempting to liquidate all remaining Sankara loyalists. The Government has encouraged opponents of the Sankara regime to return home, but few have done so. Kabore stated in an interview in November that if he had the chance to seize power in Burkina, he would do so.

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The regular judiciary, patterned after the French system, has continued to function for most criminal and civil cases. Defendants traditionally receive a fair trial and are represented by counsel. In 1987 the Government began the practice of appointing civil service attorneys to represent those who do not wish to retain, or are unable to afford, a private attorney.

The people's revolutionary courts begun under Sankara continued to hear cases primarily involving public corruption. The president of each people's court is a magistrate appointed by the Government to head a tribunal composed of magistrates, military personnel, and members of the CR's. The court president asks questions directly of the defendant.

In December 1988, seven soldiers were convicted by a military court in Bobo Dioulasso. The trial was held in secret, and the seven were executed the day after conviction without an opportunity to appeal. In the 1989 case of the four persons summarily executed, there was no known trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government authorities generally do not interfere in the daily lives of ordinary citizens, and there is no general monitoring of private correspondence or telephones. Under the law, homes may be searched only under authority of a warrant issued by the attorney general. An exception exists, however, in national security cases, where a special law permits surveillance, searches, and monitoring of telephones and correspondence without a warrant. This law is used against persons suspected of opposition to the Government.

The Government encourages participation in the CR's and also in organizations being formed to support the Popular Front. However, it was still not clear in 1989 if lack of participation will result in dismissals from civil service positions, as was the case in previous regimes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there is no formal government censorship, the Government employs intimidating methods to limit freedom of speech and press. For example, repeated references by the regime to enemies of the State at home and abroad inhibit both government-employed journalists and ordinary citizens from expressing critical views. Similarly, it uses occasional dismissals from government service and arbitrary arrest to quash debate on political topics. In 1989 several persons were arrested and held briefly for distributing political leaflets.

Under the control of the Minister of Information, the media, which consists of a daily newspaper, a weekly magazine, a monthly magazine, and radio and television stations, are all government owned, and all journalists are civil servants. The media do not engage in serious criticism of the Government and

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reflects government positions on both international and national issues. Journalists who try to report stories without political bias may be replaced for failing to support sufficiently the political views of the Government. In 1989 a private newspaper, L'Observateur, attempted to publish its first edition since it was burned down in 1984. The Government quickly cut off the electricity and stationed police at the doors, ostensibly because the newspaper did not have the proper permits. It subsequently made it clear that no permit will be granted. A small, private all-music radio station authorized to broadcast in the last days of the Sankara administration remains closed as well, after being shut down in the first days of the Compaore Government.

A new information code has been pending for more than a year. A number of proposed provisions involve insuring government control of any means of communication, publicly or privately owned, and government licensing of journalists. It would also institute prison terms or fines for violation of the code.

Foreign newspapers and magazines entered the country freely during 1989. For the most part, foreign journalists traveled freely and filed stories without censorship and enjoyed access to government officials. Films are subject to censorship by a review board which includes religious authorities as well as government officials. There were no known instances of political censorship of movies. There is no interference with international radio broadcasts.

b. Freedom of Peaceful Assembly and Association

Under both the Sankara and Compaore Governments, political parties as such have been banned, and administrative permission is generally required for assemblies of any kind. However, in 1989 the Government permitted several small political groupings to meet more or less openly, with the more centrist groups invited to join the Government's popular front. Nonpolitical associations for business, religious, cultural, and other purposes exist and experience no difficulty in obtaining permission to meet or in associating with international bodies in their fields.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Burkina Faso is a secular state, and there is no official discrimination on religious grounds. Islam and Christianity exist side by side, with about 40 percent of the population Muslim and about 15 percent Christian. The remainder of the population practices traditional African religions. Muslim and Christian holidays are recognized as national holidays. Social mobility and access to modern sector jobs are neither linked to, nor restricted by, religious affiliations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travelers within Burkina Faso are routinely stopped at police and military checkpoints. There appears to be little restriction on foreign travel for business and tourism. Exit permits, once used to limit movements of workers to neighboring countries, particularly to Cote d'Ivoire where 2 million or more Burkinabe continue to reside and work, are no longer required.

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Refugees are accepted freely in Burkina Faso, and attempts are made to provide for their care in cooperation with the United Nations High Commissioner for Refugees. There were approximately 270 refugees and displaced persons in Burkina Faso at the end of 1989, mainly from Chad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through democratic procedures. The military have dominated the political process since 1980 through four changes in leadership. To bolster his popular front, President Compaore has taken some steps to create an opening to small conservative and centrist political forces, but he has not publicly indicated any movement toward a constitution, national elections, or political parties in the future. He relies on an amorphous grouping of people, including military officers, to help run the Government and has a loose network of Revolutionary Committees throughout the country to mobilize support.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no known international investigations of Burkina in 1989. A new, local human rights organization, the Burkina Movement for Human Rights and Rights of Peoples (MBDHP), was formed, led publicly by the President, Administrative Chamber of the Superior Court. While the MBDHP has not directly publicly criticized the Government on specific human rights issues, after the September executions it publicly reaffirmed its opposition to the death penalty and the need in Burkina for fair public trials. Privately, it has brought a number of specific issues to the attention of the Government, such as the treatment of prisoners immediately after the September 1989 coup plot. Members were not harassed in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority ethnic groups are as likely to be represented in the inner circles of the Government as are the dominant Mossi, who comprise 50 percent of the population. Government decisions do not favor one ethnic group over another.

In the largely rural African society of Burkina Faso, women still occupy a subordinate position. Women supply much of the labor in family farming and are active in the market economy. The Government is committed to expanding opportunities for women, including in cabinet and civil service positions.

Women make up one-fourth of the government work force, which represents one-third of the total salaried work force in the country. Women make up approximately one-third of the total student population in the primary, secondary, and advanced school systems. While there is no known discrimination against women in the granting of scholarships for advanced study, schools in rural areas have disproportionately fewer girls than schools in urban areas.

Violence against women, especially wife beating, occurs fairly frequently in the rural areas, less often in the urban areas. The Government is attempting through the National Women's

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Association (UFB) to educate people on the subject. Specific cases can be brought to the UFB which attempts to offer protection and counsel. Such cases are sometimes brought before a "popular conciliation tribunal" for mediation. The Government also sponsors campaigns against female genital mutilation, which still occurs in many rural areas, although it is becoming less common in urban centers. Another form of mutilation is by scarring the face of both boys and girls of certain ethnic groups, which is rapidly disappearing. The UFB also takes the leadership in these campaigns.

Section 6 Worker Rights

a. The Right of Association

Workers have traditionally had the legal right to associate. There are a number of autonomous unions and five labor federations. Organized labor continues to be an important force in Burkina Faso. All unions jealously guard their limited independence from the Government. However, despite legal rights, the unions have been prevented from engaging in activities the Government opposes. Under the previous regime, many labor leaders were arrested and held for long periods. Some were reportedly tortured. One former trade union official was detained briefly in September 1989, allegedly in connection with a nonunion dispute.

Organized labor has the legal right to strike, but the Sankara government eliminated this right in practice. The Compaore Government has not faced major labor unrest, and its attitude has yet to be tested. There were several minor strikes in 1989. The International Labor Organization's (ILO) Committee of Experts noted with satisfaction in 1989 that all the teachers dismissed following a strike in 1989 had been reinstated, that sanctions against officials had been lifted, and that all political prisoners and administrative detainees had been freed.

The largest federation, the National Organization of Free Trade Unions, is affiliated with the International Confederation of Free Trade Unions. Another federation is affiliated with the World Confederation of Labor, and a third is affiliated with the Communist-controlled World Federation of Trade Unions. The other two federations are unaffiliated. The five federations take turns representing labor at the ILO meetings and participate in African regional labor meetings as well.

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain for wages and other benefits within a specific bargaining unit, such as a company or factory, but cannot bargain industry-wide. They represent the interests of their members in the private and public sectors, as well as before the labor inspection service of the Government and before the courts.

There are no export processing zones in Burkina Faso.

c. Prohibition of Forced or Compulsory Labor

Forced labor is not employed and is prohibited by law.

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d. Minimum Age for Employment of Children

The labor code sets the minimum age for employment at 14, the average age for completion of basic secondary school. However, the Government lacks the means to enforce this provision adequately, even in the small-wage sector. Most children actually begin work at an earlier age owing to the large number of small, family subsistence farms and the traditional apprenticeship system.

e. Acceptable Conditions of Work

A minimum monthly wage of about \$75 and a maximum workweek of 48 hours are stipulated by the labor code, as are safety and health provisions. This minimum wage is not adequate for a worker to support a family, and wage workers usually must rely on supplementing income through the extended family and subsistence agriculture. A system of government inspections and labor courts ensures that these provisions are applied in the small industrial and commercial sectors, but they have been impossible to enforce in the dominant subsistence agriculture sector which involves 90 percent of the population.

BURUNDI

The Republic of Burundi is a one-party, military-controlled state led by President Pierre Buyoya, an army major who came to power in a bloodless coup in September 1987. The executive power is held by a 30-member Military Committee for National Salvation. The 22-member Cabinet appointed by the Military Committee is composed of 20 civilians and 2 military officers. While the Military Committee is the ultimate decisionmaking body, the Cabinet formulates and proposes policies and manages the day-to-day business of government. The National Party for Unity and Progress (UPRONA) is the only political entity in Burundi. As President of the Republic and head of the Military Committee, Buyoya plays a dominant policy role. With the Constitution suspended officially, President Buyoya exercises legislative and regulatory powers as well. After assuming power in 1987, Buyoya embarked upon a slow but steady campaign to promote ethnic justice. The dominance of the minority Tutsi over the majority Hutu ethnic group remains the overriding social and political issue in Burundi. It was an underlying cause of a serious outbreak of interethnic violence in northern Burundi in August 1988, in which at least 5,000 people lost their lives after Hutu peasants began killing local Tutsis, followed by a bloody military intervention to restore order. In the wake of the violence, the Government accelerated its policies of ethnic conciliation. This helped lead to the rapid repatriation of the approximately 50,000 refugees who had fled to neighboring Rwanda and the thousands of others who had sought refuge elsewhere in Burundi.

The Burundian armed forces, dominated by the Tutsi, are small in number but well equipped and well trained to maintain law and order. In addition, there is a regular police force responsible for public order and a separate force of security police responsible primarily for internal state security, including the monitoring of dissent. The State Security Police have the same powers of arrest as the regular police and are subject to the same process of judicial review.

Burundi is a poor country with one of the highest population densities in Africa. The AIDS epidemic has made serious inroads among its 5 million people, and it is expected to adversely affect economic activity in coming years. Most Burundians (90 percent) earn their livelihood as subsistence farmers working small, privately owned plots. The small monetary economy is based on coffee, which accounts for nearly 90 percent of foreign exchange earnings, and other cash crops. Burundi is one of the highest per capita recipients of foreign assistance in Africa.

While human rights continued to be restricted in several key areas in 1989, President Buyoya accelerated efforts to achieve ethnic reconciliation in the wake of the August 1988 violence. By the early months of 1989, the repatriation and resettlement of nearly all of the 50,000 refugees under the auspices of the Quadrilateral Commission of the United Nations High Commissioner for Refugees (UNHCR), Burundi, Rwanda, and Zaire had been completed efficiently and without serious incident. Throughout 1989 the Government and party undertook an extensive public education campaign based on dialog between Hutus and Tutsis. In May the National Unity Commission, a high-level assembly of representatives of both ethnic communities charged by President Buyoya with recommending long-term solutions to the ethnic problem, released its

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report. The Commission called for sweeping changes, including the reestablishment of democratic institutions, the elimination of discriminatory employment practices, educational reform, and the creation of a national body to oversee the operations of the security services. By year's end, considerable progress had been made in the areas of education and employment, but progress was slow in integrating Hutus into the military forces. Major human rights concerns in 1989 included mistreatment of prisoners (one detainee died of beatings while in custody in 1989) and restrictions on freedom of press, assembly, and the right of citizens to change their government by democratic means.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no confirmed instances of politically motivated or government-instigated killings in 1989. From the evidence that emerged in late 1988 and early 1989, including house-to-house censuses in the affected communes coordinated by international organizations, most outside observers are now in agreement that the August 1988 ethnic violence resulted in between 5,000 and 10,000 deaths. The Government acknowledged that innocent civilians were among the victims of the Army intervention, but it denied vengeance killings took place. There is no public information that the Government has taken any action to punish soldiers who may have exceeded their orders in using force against innocent civilians.

b. Disappearance

There were occasional reports by exile opposition groups of disappearances in Burundi during 1989, but international relief and human rights organizations have not been able to confirm any such cases. It is likely that several cases of disappearance connected with the ethnic violence in August 1988 will never be resolved, given the uncertainty over the number of deaths and the large population flows that occurred in the affected areas in the following months.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by law, but cruel treatment of suspects or detainees has occasionally occurred in the form of beatings at the time of arrest or interrogation. A September 1989 incident in which a detainee in Bujumbura died following a beating was documented in the government-owned newspaper, which reported that the officer in question was being prosecuted.

Since coming to power, the Buyoya regime has allowed regular inspection of prison conditions by the International Committee of the Red Cross (ICRC). ICRC access to individuals detained following the ethnic violence in 1988 was restricted for nearly 3 months, and access to a dozen detainees suspected of participating in a coup plot was restricted briefly in early 1989. In both instances, full access was restored. Prison conditions remain severe due to lack of adequate hygiene, medical care, and food; but the Government has begun a program of improving conditions.

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d. Arbitrary Arrest, Detention, or Exile

Police officers are empowered to detain suspects without an arrest warrant but must submit a written report to the public prosecutor's office within 24 hours. The public prosecutor examines the report and can either order the release of the detainee or issue an arrest warrant valid for 5 days. The public prosecutor then must state the charges before a magistrate in the presence of the detainee. The magistrate either releases the detainee or issues orders confirming the detention, initially for 15 days and subsequently for 30-day periods as necessary to prepare the case for trial. Bail is set only in cases of embezzlement or similar crimes involving financial wrongdoing. In general, the prescribed procedures for arrest and imprisonment are followed. However, time limits for issuance of arrest warrants and appearance before a magistrate are often exceeded, usually due to a shortage of magistrates and prosecutors. The Government has begun to address this problem by increasing the number of magistrates.

There were no known political detainees at the end of 1989. Approximately 40 persons arrested in the wake of the August 1988 violence remained in custody at the end of 1989 pending completion of investigations. A dozen individuals, including two military officers and several prominent businessmen, were detained in March in connection with an alleged coup and have not yet been brought to trial. Six signatories (among 27) of an open letter to the President criticizing the Army's role in the ethnic violence were released in January 1989 and allowed to return to their former jobs. Two other signatories were detained briefly in 1988. Of the others, several fled the country, while those who remained of this group were not detained. The signatory students were readmitted to the university.

In June between 10 and 20 local members of the Jehovah's Witnesses were detained for acts of civil disobedience, such as refusing to salute the flag. According to reliable sources, all those detained were released by early fall.

The Government does not exile its nationals as a means of political control. Since his ouster, Ex-President Bagaza and his wife have been denied permission to return to Burundi, but the Buyoya Government has said it is willing to negotiate the conditions of their return. Citizens of other countries suspected of criminal activity or lacking proper residency documents are often expelled. This occurred in April when the entire Libyan community, including resident diplomats, was expelled in the wake of an alleged coup plot.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary's independence is limited by the requirement that it adhere to the guidance and recommendations of the party, the Government, and the President. Judges are appointed by and serve at the pleasure of the President. In general, there is a high degree of autonomy in the court's daily administration of justice. The President has the power to pardon or reduce sentences. In cases of major political interest, the Government has occasionally interfered with the judiciary.

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Burundi has separate court systems to deal with military, civil/criminal, and state security cases. In early 1989, a new court, the Cour des Comptes (Court of Accounts), was established to investigate and prosecute cases of official corruption. While little is known about this Court's proceedings, it became important in 1989 in prosecuting high-level officials. Military tribunals have jurisdiction only over military personnel. The State Security Court has jurisdiction over both civilian and military personnel, and its proceedings need not be made public. To date, this Court has been used only once, in prosecuting ex-President Micombero in the mid-1970's. Burundi law provides the right to counsel, and indigents are provided defense counsel by the State. Pretrial proceedings may involve lengthy investigations. The courts are hampered by a lack of trained legal personnel and by heavy case loads.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The inviolability of the home and of private correspondence were provided for in the suspended Constitution and are still respected in practice. A judicial warrant is required for a law enforcement official to enter and search a private residence. The State Security Office monitors political dissent through the State Security Police and by employing informers who report on discontent and dissent as well as on criminal activity. Membership in the sole legal party is not required by law. There is no coercive population control.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there are significant restrictions on speech and press freedoms, since the beginning of the Buyoya regime there has been an unprecedented outpouring of public debate and questioning on formerly taboo subjects, such as ethnic relations and official corruption. The debate on ethnic relations intensified following the 1988 ethnic violence, and throughout 1989 party meetings were held in every province to discuss the ethnic issue. Political debate is largely confined to UPRONA party meetings, the forum for dialog officially encouraged by the Government. The Government's tolerance for public criticism outside party forums is limited. Possession of opposition political tracts is a punishable offense, e.g., the arrest, after the August 1988 ethnic killings, of a number of Hutu intellectuals and students, signatories of an open letter critical of the army's role, (see Section 1.d.).

The Government controls all domestic print and broadcast media. The French-language daily and Kirundi-language weekly newspapers are published by the Ministry of Information, which also operates the domestic radio and television stations. The media are traditionally required to support the fundamental policies of the party and the Government. Some criticism of the Government is permitted in the printed press, but journalists are state employees and subject to disciplinary action if their criticism goes beyond what is considered tolerable. The Government has interfered on occasion with the distribution of foreign news publications but has never interfered with radio reception from foreign sources. Public censorship occurs only in the case of sexually explicit foreign film material or publications

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Academic freedom is limited. Primary and secondary school teachers are expected to support government policies. At the university, professors come from many different countries, both East and West, and are generally permitted to lecture freely in their subject areas, conduct research, and draw independent conclusions. However, two university professors were among the six signatories of the August 1988 open letter to President Buyoya who were detained for several months.

b. Freedom of Peaceful Assembly and Association

In the aftermath of the August 1988 ethnic violence, a ban on public assemblies of more than five persons and a nationwide curfew were in effect for 2 1/2 months. No such measures were instituted in the spring of 1989 following the discovery of two coup plots. However, no political meetings or associations other than those tied to the ruling party are permitted. The Government permits nonpolitical private associations, but requires that they be registered and accorded legal recognition before they may function.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Since coming to power, President Buyoya has made sweeping changes in Burundi's policies toward organized religion, reversing the repression of religious expression under the Bagaza regime. President Buyoya freed all religious prisoners, reopened the closed churches, returned confiscated church properties, including houses and schools, authorized weekday religious services, reinstituted the activities of catechists, and authorized church schools (including seminaries and literacy/catechism classes), publications, and radio broadcasts. Most of the missionaries who were expelled under President Bagaza are being allowed to return, and there are no restrictions on new missionaries.

Organized religion, in particular the Catholic Church, plays a key role in the development of the country and the lives of both rural and urban Burundians.

Religious expression continues to be regulated by civil laws and regulations. Religious organizations are subject to the same rules and restrictions which apply to secular organizations. All religious associations must receive approval from the Government to operate in Burundi, and a Burundian citizen must be appointed as legal representative of each association. Religious groups may not engage in political activity critical of the Government. During the Bagaza regime, two religions were banned: the Seventh-Day Adventists and the Jehovah's Witnesses. The Buyoya Government has since legally recognized the Adventist Church and returned all of its confiscated properties. It has, however, continued the ban on the Jehovah's Witnesses, allegedly because of their refusal to recognize the authority of the State (see Section 1.d.). There are no barriers to the maintenance of links with coreligionists in other countries. Participation in religious groups does not exclude individuals from membership in the UPRONA party or from receiving social benefits.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government has not instituted restrictions on internal travel since the aftermath of the August 1988 ethnic violence in the north, when nationwide restrictions were enforced for a period of 2 1/2 months.

Some 50,000 Burundian citizens fled to Rwanda following the 1988 ethnic violence in northern Burundi. Under the terms of an agreement negotiated in November 1988 by the Governments of Burundi, Rwanda, and Zaire and the United Nations High Commissioner for Refugees (UNHCR), the Government of Burundi agreed inter alia to grant a general amnesty to those who had fled. All but a few hundred of the refugees had returned voluntarily to their homes by early 1989, and on May 31 voluntary repatriation ended. As with past returning refugees, this group of repatriated Burundians was accorded full rights as citizens.

The UNHCR reported that during the period September through November 1989, approximately 300 new refugees crossed from Burundi to the Muhero camp in Rwanda. This new outflow reflects residual fears in the areas affected by the events of August 1988. It was also probably prompted in part by police movements following a large-scale prison escape in the region in September.

Burundi claims to host some 260,000 refugees, most of whom are Rwandan Tutsis who have resided in Burundi since the 1960's. The Government works closely with the UNHCR in refugee matters and does not force resettlement. However, it has periodically repatriated Zairians and Rwandans who lack residence permits or who have been arrested on suspicion of criminal activities.

The Government continues to discourage migration to urban areas through an active public education campaign. Foreign travel and emigration are relatively free, though travelers must explain the reason for their trip and must surrender their passports to the Immigration Office on their return to Burundi. Prospective Burundian travelers must have exit visas as well as passports.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

No mechanism exists in Burundi that allows citizens to change their government through democratic procedures. Since independence, there have been three changes of government, all by military coups. When he took office, President Buyoya promised a new constitution and a return to civilian rule within 2 years, but progress towards these goals has been slow. When it released its report in May, the government-appointed National Unity Commission called for increased democratization as a means of promoting ethnic conciliation, including the reinstatement of the constitution and the national legislature.

Political participation takes place only within the one-party structure, and voters can express dissatisfaction only by voting against incumbents for party positions. The party is open to all Burundian citizens supporting its principles, and both men and women are active members and officeholders. The UPRONA party, together with its affiliated youth, women's, and

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labor movements, claims a membership of approximately 1.4 million persons, over three-quarters of the adult population.

The party regularly holds local and regional meetings, where party members discuss issues and make recommendations. Formerly, the slate of candidates for local and national party offices was selected by government cadres and voted upon by party membership. Since President Buyoya came to power, any party member wishing to run for office can have his or her name on the ballot. Allegations that Hutus were discriminated against in this process are thought to have contributed to the unrest prior to the outbreak of ethnic violence in August 1988. Voting is secret in localities where members are literate, but in some rural areas where members are illiterate, voting is accomplished by a show of hands.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

After initially rejecting calls for an international investigation into the August 1988 ethnic violence, the Buyoya Government stated that it would permit the United Nations Secretary General to dispatch a U.N. Information Mission to examine ethnic tensions and the refugee problem. This mission, organized by local U.N. representatives, took place in late 1988 and reported positively on relevant developments. In addition, the Government permitted extensive visits by outside observers, including the ICRC, journalists, diplomats, and historians.

An Amnesty International delegation that visited Burundi in June urged the Government to ensure that all current detainees be brought to trial promptly and fairly if they face criminal charges, or else be released.

Burundi is a party to several United Nations' instruments on human rights. In July 1989 it ratified the Human Rights Charter of the Organization of African Unity.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Historically, the minority Tutsi have dominated the majority Hutu people. Civil strife has erupted between the two groups several times in the modern era, most recently in 1972 and 1988. In both instances, a Hutu uprising that left many Tutsi dead was followed by military intervention that resulted in massive killings of Hutus. The violence was followed in both cases by thousands of Hutu refugees fleeing Burundi, and in both cases after the violence had subsided the refugees were encouraged by the Government to return. Unlike in 1988, large numbers of those who fled in 1972 remained outside the country. Another important dissimilarity was that the 1988 killings were limited in area and duration, and the Government moved rapidly to restore ethnic confidence with the support of the international community. In the aftermath of the 1988 violence, President Buyoya stepped up the pace of reform, appointing a Hutu Prime Minister, an ethnically balanced Cabinet, and a National Unity Commission to recommend fundamental reforms.

De facto discrimination by Tutsis against Hutus, however, remains in many areas of society, although it is not condoned by law. There are few Hutus in the Army, and the majority of

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civil service jobs, as well as university places, are held by Tutsis. As a result of President Buyoya's ethnic reform efforts, Hutus made substantial inroads into the civil service in 1989, and the number of Hutus entering secondary school exceeded the number of Tutsis for the first time in recent years. However, the pace of integration in the military remained slow. Tutsis dominate the modern economic sector, while in rural areas economic opportunities are roughly equivalent for both ethnic groups.

Women hold a secondary position in society, although their status is changing slowly from traditional patterns. The suspended Constitution, respected in practice, provides for legal equality. The current legal code prohibits polygamy and a dowry requirement, allows women some control over family matters, and provides for land inheritance by women. Women in Burundi are able to obtain divorces, but there is strong social pressure against divorce.

Traditional practices continue to prevail in many of these and other areas of social conduct, however. In the preponderant rural sector, women perform the bulk of field labor, while cattle raising and wage labor are generally reserved for men. Although fewer women than men obtain a formal education, once a degree is obtained women can generally find suitable employment. The Government has not discriminated against women in hiring, and the civil service pay scale makes no distinction between men and women. Women are not significantly represented in business, the professions, and at higher levels of government, although the situation has improved in recent years.

Violence against women, especially wife beating, is known to take place, but as there are not studies available, the extent of the violence is difficult to quantify. Police do not normally intervene in domestic disputes. Severe cases are dealt with by the legal system. The Government officially discourages violence against women but addresses the problem largely through the Burundi Women's Union which provides counseling and, when deemed necessary, referral to legal authorities.

Section 6 Worker Rights

a. The Right of Association

Burundian workers do not have the right of association as defined by the International Labor Organization (ILO). The UPRONA party controls the National Trade Union Confederation (UTB) and has institutionalized this single trade union structure by means of legislation. No other unions are allowed by law. The present head of the UTB was named by President Buyoya, but all other officeholders were elected by the UTB membership. The principal role of the UTB, to which virtually the entire salaried work force belongs, is to serve as an intermediary between workers and employers in labor matters. The UTB formulates its programs and policies in concert with the Ministry of Labor. Unauthorized advocacy of a strike or lockout is a criminal offense. Although they are technically permissible, there have been no strikes in recent years. The UTB is a member of the Organization of African Trade Union Unity.

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b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize outside the UTB. Within the UTB, they have the right to bargain individually and collectively in labor disputes. In practice, the UTB has often forced employers to revise their practices. This has usually come after implementation of one or more steps of the official three-step process of dispute resolution: direct employer-employee discussions under the auspices of the UTB; an administrative hearing before a government labor inspector; and a legal proceeding before the labor court in which the UTB represents the employee. There is almost universal membership in UTB among salaried employees, and antiunion discrimination is not a problem in practice. There are no export processing zones in Burundi, and labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

While forced or compulsory labor is not permitted under Burundi law, the ILO Committee of Experts has noted that provisions of ordinances concerning the conservation and utilization of soils and the creation and maintenance of minimum areas of food crops are in violation of ILO Convention No. 29. It has urged the Government to bring the texts into conformity with the Convention and into line with what the Government asserts is actual practice. The Committee also noted that the various legislative provisions which call for imprisonment and an obligation to work as punishment for expressions of political views contrary to those of the party are not in compliance with ILO Convention 105. The Government has indicated that it intends to examine the possibility of revising the prison legislation, but it has not yet taken any action.

d. Minimum Age for Employment of Children

In the modern, urban section of the economy, children under the age of 12 may not be employed in any capacity, nor may children under the age of 16 be engaged in dangerous or strenuous work. However, as a practical matter in this poor, largely rural country, many children are obliged by custom and circumstance to help their families in subsistence agriculture.

e. Acceptable Conditions of Work

Over 90 percent of the population of Burundi is engaged in subsistence agriculture. Worker rights are prescribed by the Burundi Labor Code and by the UTB, but these rights have relevance primarily for workers in the small, wage sector of the economy. The established minimum wage is the equivalent of approximately \$1.03 per day in Bujumbura, and \$0.90 per day in rural areas; this wage level is inadequate to provide a decent living for urban families, who frequently supplement their income through family gardening or small commerce. Wages are higher for workers in the few private sector businesses and in skilled jobs. Working hours vary between 40 and 45 hours per week. Saturday afternoons, Sundays, and holidays are times of rest. In the modern economic sector, minimum health and safety standards are monitored by the Ministry of Labor. The enforcement of these standards is limited.

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Political power in Cameroon is concentrated in the Presidency and a single party, the Cameroon People's Democratic Movement (CPDM). President Paul Biya is Head of State and head of the CPDM. The President makes all major decisions and appoints all government and party officials, although key parliamentarians have some behind-the-scenes influence. The National Assembly generally approves measures proposed by the Government. Although the Assembly has the right to propose legislation, it does so rarely. Cameroon's political system is influenced by its ethnic and linguistic diversity, which includes 230 languages and 3 separate European colonial traditions (German, French, and British). French and English are official languages. A careful balancing act among the various groups within the Government and party is required to maintain political cohesion, and this acts as a check on government power.

Internal security responsibilities are shared by the National Police (Surete Nationale), the National Intelligence Service (CENER), the Ministry of Territorial Administration, Military Intelligence, and, to a lesser extent, the Presidential Security Service. The Ministry of Territorial Administration is in charge of prisons, and the National Police has the dominant role in enforcing internal security laws.

Cameroon's per capita gross domestic product (GDP) of about \$970 in 1987 placed it among the middle-income developing countries. However, the declining prices of Cameroon's key commodities, including coffee, cocoa, and petroleum, and the rigors of structural adjustment are likely to reduce 1989 per capita gross domestic product to an estimated \$850. Cameroon's diversified agricultural base, food self-sufficiency, and government policies aimed at promoting private-sector growth help mitigate the effects of declining terms of trade and other external difficulties.

Human rights remained restricted in Cameroon in 1989. Positive developments included the release of dissident author Albert Mukong and more openness in addressing human rights issues. In March a senior official responded publicly to Amnesty International's (AI) concerns about political prisoners, admitting that some persons remained in detention despite the expiration of their sentences. President Biya has officially advocated greater democratization, and modest steps have been taken to expand popular political participation. Major human rights concerns in 1989 included the abuse of detainees, use of arbitrary arrest and detention powers, harsh prison conditions, and restrictions on freedoms of speech, press, assembly, women's rights, worker rights, and the right of citizens to change their government through democratic means.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings in 1989.

b. Disappearance

There were no reports of disappearance.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the penal code proscribes torture, renders inadmissible in court evidence obtained thereby, and prohibits public servants from using force against any person, there were credible reports of severe beatings of suspects while in custody in 1989. On one occasion, witnesses observed security officers publicly punching and beating a man. Inside prisons, poor conditions are common. Prisoners suffer from serious malnutrition unless provided food by friends or family. Brutal treatment of inmates may have led to violent uprisings in at least two Cameroonian prisons in 1989. Persons under "administrative detention" (e.g., political detainees) are kept in special camps or prisons to which access by families and friends is severely restricted.

AI's 1989 Report stresses the harsh conditions in Nkondengui Prison in Yaounde and New Bell Prison in Douala. Overcrowding, the lack of medical care, and malnutrition may have contributed to a high death rate in both prisons in 1988, according to AI.

d. Arbitrary Arrest, Detention, or Exile

Under Cameroonian law, a person arrested on suspicion of having committed a nonpolitical offense may be held in custody up to 24 hours before being charged. The period of custody may be renewed up to three times with the express agreement of the Attorney-General. However, after an investigating magistrate has determined the case should be brought to trial and has issued a warrant to that effect, there is no limitation on how long the detainee may be held in "preventive detention" pending trial.

Accused persons awaiting trial constitute the majority of persons in the prisons at Yaounde and Douala. Release on bail is permitted by law only in the Anglophone provinces, whose legal system retains features of British common law. Even there, bail is granted infrequently. There have been cases of local or provincial authorities ordering the continued detention of persons even after a court ordered their release. CENER and Military Security do not implement fully the penal code requirement that detainees be brought before a magistrate for investigation of possible offenses. They have held detainees incommunicado.

Persons may also be held in "administrative detention" under legislation pertaining to subversion. The penal code defines administrative detention as "the loss of liberty for a political felony or misdemeanor." Such detention by regional authorities is initially for 1 month, renewable twice, and may be extended up to an additional 6 months by the Minister of Territorial Administration. Those arrested and placed in administrative detention do not disappear. Their families are told where they are, though not always promptly. They are released eventually, though the detention may be lengthy, in some cases exceeding the theoretical maximum of 9 months.

State of emergency provisions, invoked following the 1984 coup attempt, were allowed to lapse in 1989. There is, therefore, no longer a legal rationale for unlimited administrative detention. Government of Cameroon authorities state that they are working to ensure that officials who have had delegated

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authority to order such detention are made aware of the changed circumstances.

Albert Mukong, a well-known critic of the Government who had been held for nearly a year, was released on May 5 after the Government dropped charges against him. It is widely believed that Mukong was arrested for having condemned, during a British Broadcasting Corporation broadcast, frequent constitutional changes and attributing Cameroon's economic difficulties to embezzlement of state funds by senior public officials. The legal justification for his detention remains unclear but was apparently an old ordinance which proscribes conduct "likely to bring to contempt or ridicule any public authority or (which) incites hatred against the government."

Frederic Batoum and Samuel Zeze remained in prison without charge at the end of 1989, apparently for supporting the banned opposition party, the Union of Cameroonian People (UPC). They had first been arrested in 1985, released in 1986, and then detained again shortly afterwards. Abdoulaye Mazou, a former senior official of the Ministry of Education, was sentenced to 5 years for having assisted his brother to escape after the 1984 coup attempt. Although his sentence has expired, he remains in prison and is reportedly ill.

An estimated 40 political detainees, including Moussa Mahmonde and Mohamadou Djidji, who were not released in 1986 at the end of their sentence, reportedly remained in detention at the end of 1989. Most of these were apprehended around the time of the 1984 coup attempt.

Cameroon does not engage in the practice of forced exile. Early in his first term, President Biya publicly encouraged all those living abroad for political reasons to return to Cameroon without fear of reprisal.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Trial by a presiding magistrate is provided for in law, and this practice is followed except in the case of persons held under administrative detention or state of emergency regulations. Public trials are also guaranteed by law, although exceptions are allowed for the public good or for national security reasons. Trials which involve prominent persons or which are controversial have sometimes been held in private.

Magistrates in Cameroon are career civil servants responsible to the Minister of Justice and are required to have law degrees. Their decisions are not usually subject to government interference, and they generally are considered to conduct fair trials. The Minister of Justice has publicly cautioned magistrates against awarding "excessive" damages against the State, and there have been reported cases of the Government refusing to pay damages where a court has found against it. Defendants in felony cases are provided attorneys if they cannot afford to engage their own.

Crimes involving subversion or illegal use of weapons, as well as crimes involving the military, are tried by military tribunals. Each tribunal has three members, and its presiding officer must be a magistrate. In some cases, the magistrate is a civilian, in others a military officer. As in felony

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cases tried in the regular court system, defendants are entitled to counsel.

In a March 1989 press conference, Cameroon's Ambassador to France answered publicly a question from AI about political prisoners held in Cameroon. According to AI, he indicated that most of them are military officers implicated in the 1984 coup attempt. Some of them were never brought to trial, and others have been held past the end of their sentences. Those trials were conducted in secret by military tribunals and did not conform to internationally recognized standards of fairness. Lawyers were given little time to prepare a defense, and defendants had no right of appeal. The Ambassador admitted that coup-plotters were still held under administrative internment and asserted that their continued detention was necessary in view of the danger they pose to public safety. This is the first time in years that a government official has publicly addressed the issue of political prisoners/detainees held without trial in Cameroon.

Traditional courts continue to play an important role in Cameroon, particularly in rural areas. Their authority varies by region and by ethnic group, but they are often the arbiters of property and domestic disputes and may serve a probate function as well. Most systems permit appeal of first-instance decisions to traditional authorities of higher rank.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both invasions of the home and tampering with correspondence are violations of Cameroonian law. There have been frequent reports of police harassing citizens and entering homes without warrants during periodic searches for criminals. Police officials also sometimes enter homes and demand to see receipts for household property as a customs law enforcement measure. Surveillance of suspected dissidents and the monitoring of their mail and telephone conversations are common practices.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution of 1972 provides for freedom of expression and of the press, but Cameroonian law and practice restrict these freedoms. While there is no evidence anyone is punished for privately criticizing the Government, there are definite limits to public speech.

The Government's official position is that it "supervises" but does not "control" the press. However, officials working with the media have referred to television, radio, and the press as instruments of national policy to be used by the State in furtherance of its aims. The Government publishes two official newspapers, the English and French editions of the Cameroon Tribune, and controls radio (the most important medium) and television. Most official journalists are civil servants who may be transferred to less desirable positions if they do not practice self-censorship.

Media criticism of the Government invites detention. There have been several cases of print or broadcast journalists being detained after pursuing stories critical of the Government in recent years. Early in 1989, for example, two

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journalists from the independent press were detained after publishing a story recounting the reasons for a local town council's vote of no-confidence in its Mayor. AI noted in its 1989 Report that there seems to be a pattern in the official use of detention powers as a means of intimidating journalists. Despite this, the number and frequency of private publications rebounded somewhat in late 1989. No written ground rules for publication exist. The independent press enjoys greater latitude in covering issues than the government-owned press, but all publications are still subject to official censorship.

Although many periodicals carrying articles critical of Cameroon's Government circulated in 1989, toward the end of the year the Government seized one edition of a foreign newsmagazine.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are provided for in the Constitution but are restricted in law and practice. The penal code prohibits public meetings, demonstrations, or processions without prior government approval. While there have been no reports that such permits have been denied, large public meetings in which the Government plays no role are virtually unknown. On short notice, authorities canceled this year's traditional May Day parade because they were concerned that the unemployed might demonstrate. Organizations must register with the Government; any form of opposition political organization is effectively prohibited.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Cameroon is a secular state. There is no established religion. Roughly 20 percent of Cameroonians are Muslims, 30 percent are Christians, and the rest follow traditional beliefs. Officials of the Government and the CPDM include members of all three groups. Freedom of religion is provided for in the Constitution, but for a religious group to exist and to function legally, it must be approved and registered with the Ministry of Territorial Administration. There have been cases in the past of a small group's application being rejected on the grounds that it was too nearly identical to an existing group. The Jehovah's Witnesses were banned in 1970 and have been periodic targets of harassment since that time.

The Government does not discourage the practice of traditional religions. Acts of witchcraft, divination, or magic "liable to disrupt public order or tranquility, or to harm persons or property" are outlawed, with potential penalties of up to 10 years' imprisonment.

Missionaries played a major role in the development of Cameroon and continue to be active. Foreign clergy suffer no ill-treatment. There are no particular restrictions on places of worship, training of clergy, conversion, religious education, or religious participation in charitable activities. The literacy and Bible translation organization, SIL, operates freely and plans to expand. Independent Christian and Muslim publications exist in Cameroon, and there is no evidence they are more heavily censored than is the secular press.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is not restricted by law. Police continue to stop travelers to check identification documents, vehicle registrations, and tax receipts as a security and immigration control measure, though use of the practice declined sharply in 1989.

Exit visas are required to leave the country and are sometimes obtained only after long delays. The Government has been known to refuse issuance of a passport or to confiscate a passport in order to control someone it considers a real or potential threat. Married women must obtain written consent from their husbands before the Government will issue an exit visa. There are no restrictions on voluntary repatriation, and there is no forced resettlement.

Over the years, Cameroon has served as a safe haven for thousands of displaced persons and refugees. Approximately 35,000 refugees remain in Cameroon, the majority of them Chadian. The United Nations High Commissioner for Refugees (UNHCR) recognizes about 4,100, most of them Chadian or Namibian. With the Chadian conflict largely over, many Chadians have returned. As of September 30, 1989, there were 3,622 Chadian refugees at the Poli-Faro camp, down from 6,346 at the beginning of the year. Many of the Chadians living outside Poli-Faro have integrated into the Cameroonian economy and do not receive government or international assistance. Though Cameroon occasionally returns illegal Chadian immigrants, there were no confirmed reports of forced repatriation of recognized Chadian refugees in 1989. Cameroon is also host to 67 Namibian students and 400 other refugees of various nationalities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Because Cameroon continues to be a one-party state with political power and administrative responsibility concentrated in the Presidency, citizens do not have the right to change the Government through the electoral process. The President appoints all cabinet ministers, governors, and prefects. President Biya succeeded constitutionally to the office of President upon the resignation of former President Ahidjo, and was elected unopposed in 1984 and 1988.

While the Constitution does not explicitly exclude the existence of other political parties, in fact only the CPDM is permitted to operate. Membership in the CPDM is open to all religious and ethnic groups and is strongly encouraged. No one attempted to gain legal recognition for a second political party in 1989. The UPC was rebuffed in 1985 when it sought such legal recognition. Opposition groups, including the UPC and the Cameroon Democratic Party, periodically send letters or pamphlets into the country (usually seized by customs officials) or are heard on foreign radio broadcasts. A number of former UPC members are now active in the CPDM.

Some within the CPDM have begun to advocate greater pluralism, but it is unclear whether they wish to make room for other parties or are merely seeking opportunities for broader debate or greater influence within the CPDM.

All members of the 180-seat National Assembly must be members

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of the CPDM. National Assembly elections with multiple candidacies were held for the first time in 1988, but the CPDM limited the number of candidates per constituency to two. The next elections are due in 1993. Voting is by universal suffrage and secret ballot. The 1988 elections took place with few irregularities and no allegations of fraud.

Debate in the National Assembly usually remains within fairly narrow parameters. The National Assembly has not formally rejected a major government initiative in recent years. However, the behind-the-scenes power of key National Assembly representatives limits the Government's freedom of action. Some government proposals are shelved before reaching the stage where they are subject to formal rejection.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not usually respond publicly or privately to inquiries from any human rights organization. However, in 1989 a government official responded publicly to AI's charge that Cameroon holds political prisoners (see Section 1.e.). The Constitution affirms support for the freedoms guaranteed in the Universal Declaration of Human Rights and the United Nations Charter. Under President Biya, the Government has devoted increased attention to human rights in such international forums as the United Nations and the Non-Aligned Movement. Also, Cameroon has submitted reports on the status of human rights in the country to two United Nations committees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Access to the Government's social programs is open to all Cameroonian citizens on a nondiscriminatory basis. President Biya has repeatedly stressed publicly the dangers of tribalism, but there remains deep-seated suspicion among ethnic groups. Cameroon is officially bilingual, but Anglophones are a distinct minority (20 percent) and often charge that the majority Francophones discriminate against them by denying them economic opportunity and a share of real political power commensurate with their numbers. The Bamileke, the country's largest single ethnic group (between 15 and 20 percent of the population), level similar charges against the rest of the body politic.

Women are granted equal rights under the Constitution, and some are politically active in the party and the sole labor federation. The women's wing of the CPDM has developed programs to encourage the economic and social productivity of Cameroonian women. Women are increasingly well represented in the modern wage sector. They make up less than 1 percent of the army and do not serve in the navy or air force. They may join the police and the gendarmerie but make up a very small percentage of these forces.

Significant cultural pressure is brought to bear on women to remain subservient to men. In late 1989, for example, a columnist for a government-owned newspaper admonished a reader to remember "your husband is the direct authority the lord has placed on you." Also, the Government requires a husband's consent before his wife may obtain an exit visa (see Section 2.d.), a policy the Government asserts is intended solely to

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preserve and strengthen the stability of family life. Polygamy is permitted by law and tradition, but polyandry is not.

Hospital reports of admissions of battered women indicate declining violence against women, at least in urban areas. A government-owned newspaper in late 1989 featured a readers' debate on the pros and cons of wife beating, stating in its introduction that it took no position in the debate. There are no reliable statistics on the extent to which violence occurs. In crimes of passion, men are sometimes treated lightly by the courts. Violence directed against women in other than a domestic context is not a major problem. Female circumcision is not common in Cameroon. It is practiced by a limited number of traditional Muslim families and is almost unheard of in other groups.

One of the goals of the sixth 5-year plan for economic, social, and cultural development is to improve educational opportunities for women. The percentage of female secondary school students increased 45 percent between 1970 and 1986. Girls made up 45.7 percent of primary school pupils in 1986, but their percentage drops to 38.3 percent at the secondary level. Women are also disadvantaged in access to higher education (14 percent of students) and professional opportunities. Regional differences in access to education also exist.

Section 6 Worker Rights

a. The Right of Association

The labor code recognizes the right of workers to establish trade unions without prior authorization and to join trade unions of their choosing. In practice, there is but one umbrella organization in the country, the Organization of United Cameroonian Workers (OCWU), which operates parallel to the CPDM, and trade unions in the country are subordinate to the OCWU. The top union leadership is nominated by the Government. The OCWU permitted multiple candidates to run in worker delegate elections in late 1987 and early 1988, but it retains the right to approve candidacies, thus assuring political orthodoxy. The OCWU does not play a major role in Cameroonian politics, although it has a membership of approximately 450,000 in a working population of more than 3 million. It pursues worker grievances and seeks improvements in government programs for worker safety and training.

Strikes are illegal, and political activity by trade unions, excepting action designed to protect economic and other interests, is prohibited. The OCWU is a member of the Organization of African Trade Union Unity. The OCWU maintains contact with foreign trade union organizations, including the American Federation of Labor and Congress of Industrial Organizations, but such contact requires government authorization.

The International Labor Organization's (ILO) Committee of Experts (COE) observed in 1989 that various legislative provisions, which regulate the right of public servants to organize, restrict their right to strike, and ban foreign workers from trade union office, are inconsistent with ILO Convention 87 on Freedom of Association. It has expressed the hope that the Government will amend the legislation in the near future.

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b. The Right to Organize and Bargain Collectively

The labor code recognizes the right of trade unions or trade union federations to engage in collective bargaining with employers or groups of employers. In practice, true collective bargaining between employers and workers is rare, owing to the small size of the modern industrial sector, the small number of large employers, and the involvement of the Government in the process. Under the law, all employers of more than 10 workers must permit the election of a worker representative from among the employees. This individual has a statutory right to discuss labor conditions with the employer on behalf of the employees and enjoys special protection from arbitrary dismissal. Candidates for these positions must be approved by the OCWU.

There are no export processing zones in Cameroon, but one is in the planning stage.

c. Prohibition of Forced or Compulsory Labor

While forced or compulsory labor is prohibited by law, the COE has noted that provisions of the labor code, the law establishing the National Civic Service for participation in development, legislation respecting prisons, and the Merchant Shipping Code are in violation of the ILO conventions on forced labor. The Government has stated repeatedly that amendments to bring these laws into compliance with ILO conventions are being processed or are under study. There have been reports of levies of communal labor being employed in some traditional societies.

d. Minimum Age for Employment of Children

The labor code sets the minimum working age at 14, a rule which appears to be respected in the modern wage sector. Labor inspectors are empowered to enforce provisions of Cameroon's labor code, as are labor courts. In rural areas where farming occupies 80 percent of Cameroon's citizens, children participate at early ages in agricultural work alongside adults. Street vendors in urban areas are occasionally under age 14, more frequently during school vacations than at other times.

e. Acceptable Conditions of Work

Under the labor code, the minimum annual paid vacation is 18 days, and the legal workweek is 40 hours for nonagricultural employees and up to 48 hours per week for agricultural workers. In order to make room for younger workers, civil servants are encouraged to retire upon reaching the minimum retirement age of 55. Minimum monthly wages are set by the Government for all public and private sector jobs. Minimum wage rates, which range from \$62 to \$103 per month, are based on geographic zones, types of industry, and worker seniority and qualifications. The lowest wages are insufficient to support a family, but usually are supplemented by a second job or another family member's earnings. Workers with middle-range wages also are likely to need second incomes to support a family, especially in Yaounde and Douala.

Occupational safety and health is mandated by law, based on ILO standards. In theory, these standards are enforced by Ministry of Labor inspectors and labor courts, but they lack the means for effective enforcement.

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Cape Verde is ruled by the African Party for the Independence of Cape Verde (PAICV), the sole legal political party, under the leadership of President Aristides Pereira. Most government ministers are also senior members of the party, and many of them were leaders of the revolutionary movement to free Cape Verde from Portuguese rule. The Constitution adopted in 1980 declares the party "the supreme expression of the interests of the popular masses." Members of the Popular National Assembly, which is formally the supreme organ of the State, are elected from a slate of candidates proposed to the electorate by the party. The Assembly selects the President, who, as Head of State, proposes the Prime Minister to the Assembly. The Assembly is subordinate to the executive; it has never reversed government/party decisions, although deputies increasingly debate issues openly, and critical views are often reported in the media.

Security responsibilities, formerly divided between the military, the security, and police forces, were consolidated under a single government department in February 1986. The reorganized Ministry of Defense and Security operates under guidelines and leadership approved by the party. A largely voluntary party paramilitary unit, the "Popular Militias," supports the security forces and has been accused of making arbitrary arrests.

Cape Verde has few natural resources, and for years Cape Verdeans have emigrated to improve their economic condition--over 500,000 live abroad. A 20-year drought has also hindered Cape Verde's development efforts for its population of 400,000. However, heavy summer rains in 1987 and 1988 may have signaled the end of the drought and promised improvements in the agricultural sector. The Government is the largest nonagricultural employer. It controls banking, the import of most basic commodities, airlines, the press, and schools. It depends importantly on generous foreign assistance and remittances from Cape Verdean emigrants.

The Constitution bans opposing political parties, and in practice the Government uses its authority, e.g., detention powers, to limit opposing views. Freedom of speech, press, and assembly and association are not technically limited by law but have been in practice. Discrimination and violence against women are common. There were no known political prisoners held at the end of 1989.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no reported instances of politically motivated deaths, but one man died while in official custody (see Section 1.c.).

b. Disappearance

There were no reported instances of officially inspired disappearances.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Periodic police brutality occurs. In August on Maio Island, a man died in police custody, allegedly of a severe beating; although local medical authorities determined that the cause of death was strangulation, a government-appointed special commission found that the deceased, a former mental patient, killed himself. There was no evidence of torture or other cruel and unusual punishment of prisoners and detainees in 1989.

d. Arbitrary Arrest, Detention, or Exile

Cape Verdean law requires that an accused person, unless caught in the act of committing a crime, be brought before a judge to be charged within 48 hours of arrest. In exceptional cases, with the concurrence of a court official, the formal charge process may be delayed, but it still must take place within 5 days of arrest. For crimes against state security, however, persons may be detained for up to 5 months without trial upon a judge's ruling. This loophole is occasionally abused, and cases of arbitrary arrest by members of the "Popular Militia," a voluntary paramilitary party organization, occur periodically. There is a functioning system of bail, and everyone is entitled to representation by an attorney in civil or criminal cases. Those unable to afford legal counsel are represented by lawyers named by the state-run Lawyers' Association.

There were no known instances of forced exile for political or other reasons. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is composed of a Supreme Court, whose members are appointed by the Government, regional courts, and local popular courts. Trials are conducted by one judge without a jury. The autonomous Institute for Judicial Support, to which most private lawyers belong, provides counsel for indigent defendants. Trials appear to be handled expeditiously, and evidence suggests that the courts protect individual rights in criminal cases. Verdicts can be appealed.

Appeals to the Supreme Court are common. For example, in June the Supreme Court upheld a lower court decision in favor of Teofilo Santos Silva, allegedly fired from the Bank of Cape Verde for statements vilifying bank leadership. The bank was ordered to restore Santos to his former position or to compensate him for damages.

The popular tribunals adjudicate minor disputes on a local level in rural areas. The "judges," who are appointees of the Ministry of Justice, are usually prominent local citizens without legal training. Their decisions can be appealed within the regular court system.

Political/security cases of a nonmilitary nature are tried before the criminal courts. There have been no cases tried in recent years, and there were no known political prisoners at the end of 1989.

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- f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution recognizes citizens' rights to the inviolability of domicile, correspondence, and other means of communication. The law requires warrants issued by a judge before searches of homes may be conducted. In practice, these rights are observed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution proclaims freedom of speech and intellectual creativity, including the rights of authorship, but it also stipulates that none of these rights and freedoms may be exercised "contrary to national unity." While freedom of the press is not specifically guaranteed by the Constitution, a law adopted in December 1985 assures citizens the right to express their thoughts in the press, but at the same time the party underlined that this right should be exercised responsibly. People rarely criticize the Government publicly. Debate in Parliament is lively, but within the accepted one-party system.

The newspaper Voz di Povo, radio, and television are government owned. Occasional articles critical of some aspects of government policy are printed or broadcast, but this is probably done with prior authorization from the Government. Local radio broadcasts carry items from Western news agencies as well as from Communist countries, generally balancing coverage and identifying sources on controversial international issues. In 1989 the PAICV Third Congress granted limited autonomy to the National Press, a publishing house formerly controlled entirely by the party leadership.

A Catholic monthly newspaper, which has carried criticism of some aspects of life in Cape Verde, is tolerated without interference as long as its articles are not viewed as a threat to the Government. On occasion, the editor and contributors have been called before popular tribunals to explain their articles. There is also a monthly newspaper, Noticias, published in Mindelo which, since its inception in 1988, has followed an independent editorial policy.

Foreign periodicals generally circulate freely in Cape Verde even when they contain articles critical of or unflattering to the Government, as is sometimes the case with Portuguese newspapers. International radio broadcasts are received clearly without interference.

b. Freedom of Peaceful Assembly and Association

The freedom to meet, to associate freely, and to demonstrate is provided for in the Constitution, but as a practical matter no organizations opposed to the Government or its policies are permitted. Party-sponsored "mass organizations" of women and youth are prominent. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution requires separation of church and state. Freedom of worship is respected by the Government, and members of all faiths practice their religion without harassment. At

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least two-thirds of the population, probably including most of the government and party leadership, are nominally Catholic, but the predominance of Catholicism does not appear to affect adversely other faiths. Evangelical Protestants and Seventh-Day Adventist are the two other principal religious communities.

At least two faiths, the Baha'i and Christian Science, which were formally banned or suppressed under the Portuguese, have been permitted to reestablish themselves and operate freely since independence. There are no restrictions on religious practices, teaching, or contacts with coreligionists outside Cape Verde. The Catholic Church, for example, openly opposes birth control methods which are advocated and supported by the Government. A few foreign missionaries are active in Cape Verde, and more than half the Catholic clergy are non-Cape Verdeans. Cape Verdean consular law requires, however, that missionaries applying for residency belong to a denomination with a recognized membership in Cape Verde. In this context, two American Mormon missionaries were asked to leave Cape Verde in September after their visitor's visas expired.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no extraordinary legal or administrative restrictions on either travel or residence within the country. All resident Cape Verdeans wishing to leave the country, either temporarily or permanently, must obtain exit permission from the Government. Such permission has not been denied for political reasons. Emigration has long been an important and recognized alternative for those wishing to escape the prevailing harsh economic conditions.

The Government goes to considerable effort to maintain close contact with emigre communities and provides every opportunity for Cape Verdeans living abroad to maintain their ties with the homeland, including making provision to vote in elections. Repatriation is a constitutional right, and the Government does not discourage intending repatriates.

The law allows for revocation of citizenship on several grounds, including activities contrary to the interest of the country. However, there are no known cases of the Government instituting proceedings to deprive persons of citizenship for political reasons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The party's monopoly of power in Cape Verde is specified in the Constitution. Opposition parties are illegal and do not exist. Therefore, citizens are unable to change the one-party political system through a democratic process.

At the national level, government officials are selected by the party, and senior leaders are selected from among the small group of men who actually led the struggle for independence. The Secretary General of the party is President of the Republic, the Deputy Secretary General is Prime Minister, and the third-ranking party official is President of the National Assembly. Five other members of the party's political commission are also ministers. Not all ministers or secretaries of state are party members, but all clearly serve at the pleasure of the party.

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Current party membership is about 6,000, which is about 4 percent of the total adult population and represents a doubling in size since independence in 1975. Within this elitist party, there exists a modest scope for meaningful political activity. The delegates to the Third Party Congress in 1989 were elected by secret ballot, and the party announced plans to allow free elections of certain local officials, whether candidates are party members or not.

Twice-yearly National Assembly sessions serve to ratify--never reverse--earlier party/government decisions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government in the past has permitted visits by private organizations to investigate conditions of persons convicted for political or related offenses. There are no known official or nongovernmental human rights organizations in the country; none critical of the Government would be permitted.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Racial discrimination is not a serious problem in Cape Verde, where the vast majority of the population shares various proportions of Portuguese and African ancestry. Sex discrimination exists, although it is prohibited by the Constitution. Many traditional, male-oriented values of the Portuguese and African ancestors of today's Cape Verdeans are still part of the country's culture.

The Code of the Family, enacted in October 1981, prescribes the full equality of men and women in law, including equal pay for equal work, but in practice women customarily have been excluded from certain types of employment and are often paid less than men. Both the Government and the party are making efforts to bring women into various economic and social activities where they have been traditionally absent, including in the labor-intensive economic development projects. The Organization of Cape Verdean Women was founded in 1980, with party encouragement, to sensitize Cape Verdeans to issues affecting women.

Domestic violence against women remains extremely common. Crimes such as rape and wife beatings are largely ignored by police and are rarely brought to trial. Even then, penalties for first offenders are usually suspended, and physical and psychological retaliation against a woman who wins such a trial is the norm. Government efforts are occasionally made to increase women's awareness of their legal rights, such as in special periodic television or radio programs addressing these issues, but these programs rarely reach the rural women most strongly affected by such crimes.

Section 6 Worker Rights

a. The Right of Association

The right of association is limited. Workers in several sectors are organized into unions within the Central Sindical (UNTC-CS). The trade union central is affiliated with the PAICV and headed by a high-ranking party member. About one-third of the active work force are nominal members of the

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UNTC-CS. Individual unions perform some traditional trade union functions and act also as party affiliates.

There is no reference to the right to strike in the Constitution or in any legislation. In the absence of any legal prohibition against strikes, the NUC believes that the right to strike exists, but it has never exercised this theoretical right. Union leadership has taken positions on specific issues in opposition to government policies in state-owned enterprises.

The UNTC-CS is affiliated with the Organization of African Trade Union Unity, in whose councils it has never taken positions independent of those officially sanctioned by the Government. It maintains contact with and receives assistance from both Communist and non-Communist national unions abroad.

b. The Right to Organize and Bargain Collectively

Unions are by law the designated means by which workers are represented. The right of unions to function without hindrance is mandated. However, there is no true collective bargaining. Wages for government employees are set by the Ministerial Council. Wages for state enterprises are proposed by the ministry controlling the state enterprise and approved by the Ministerial Council. Labor laws require that private companies pay the prevailing wage, which usually implies the wage that is paid in the Government and state enterprises. The UNTC-CS and the unions have influence in the process. There are no export processing zones in Cape Verde.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is constitutionally prohibited and is not practiced in Cape Verde.

d. Minimum Age for Employment of Children

The minimum age for employment is 14, and children under 16 are prohibited from working at night, more than 7 hours per day, or in establishments where toxic products are used. All enterprises submit a yearly report to the Director General of Labor with information on the salary and ages of each employee. There is no inspection mechanism.

e. Acceptable Conditions of Work

Minimum wage rates are established by the Government for both civil servants and private enterprises. As of January 1, 1987, the minimum wage for civil servants was approximately \$84 per month. Wages for unskilled workers are considerably lower, and in rural areas the daily minimum for the least skilled types of labor is about \$1.62 per day. In most circumstances, a family cannot survive on a single minimum wage. Multiple incomes, shared housing, and extended families help bridge the gap for many minimum wage earners.

There does not appear to be an overall safety and health code. The normal workweek for adults is 44 hours over 5 1/2 days. A worker is entitled to at least 1 free day per week. These regulations seem to be respected in practice, but there is no enforcement mechanism.

CENTRAL AFRICAN REPUBLIC

The Central African Republic (C.A.R.) is a one-party state in which General Andre Dieudonne Kolingba has exercised virtually full political control since his accession to power in a bloodless coup on September 1, 1981. In 1986 President Kolingba established the only legal political party, the Central African Democratic Assembly (RDC), and introduced a new Constitution, which was subsequently approved in a national referendum. In that same vote he was elected without opposition to a 6-year term as President. The new Constitution established a directly elected parliament (National Assembly) and an advisory body known as the Economic and Regional Council. Both have met regularly since 1987.

The Ministry of Defense controls a military police force (Gendarmerie Nationale), in addition to the armed forces, which number about 3,800. These forces share internal security responsibilities with the civilian police force (Police Nationale) under the Ministry of Interior, which is responsible for policing major roads and keeping records of the movement of vehicles. The Presidency has its own security force, which has collateral responsibility with the border police for airport security.

The C.A.R. is a poor, landlocked, and sparsely populated country, most of whose inhabitants derive their livelihood from subsistence agriculture. The essentially agrarian economy has suffered in the past from ineffective government fiscal and developmental policies and adverse global trends. Since 1982 the Government has tried to implement economic structural reforms in cooperation with international donors. However, with continuing unfavorable world economic trends, progress has remained elusive.

Human rights remained restricted in 1989. The Government did release several political prisoners, including a journalist, and moved to put into effect a law authorizing the resumption of trade union activity. However, the Government took further action to repress the religious activities of the Jehovah's Witnesses and two other religious groups. In September, under unexplained circumstances, the Government brought back from Benin 12 former dissidents, arrested them on arrival, and held them without charge throughout the remainder of 1989. Principal human rights problems continued to be mistreatment of prisoners and detainees, arbitrary detentions, intrusive surveillance of political opponents, and restrictions on freedom of speech and press, association, the right of citizens to change their government, women's and minority rights, and worker rights.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There have been no reports of killings or executions for political motives by government forces, although at least one death from mistreatment while in official custody occurred (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearance.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits torture and provides for sanctions against those found guilty of physical abuse. Nonetheless, there are reports of police beatings of criminals or suspects.

Family members, legal counsel, doctors, and clergy generally have access to prisoners, including prominent political detainees. The latter frequently receive special privileges, including permission to leave the prison periodically.

d. Arbitrary Arrest, Detention, or Exile

Under Central African law, political detainees may be held without charge for as long as 2 months but must then be formally charged or released. In regular cases, those arrested must be brought within 96 hours before a magistrate, who decides whether formal charges will be filed. In practice, this limit is often exceeded owing to inefficiencies in judicial procedures. No system of bail exists. When political detainees are charged, local judicial procedures (which are modeled on the French system) allow for open-ended preventive detention while the public prosecutor prepares the state's case against the accused.

The exact number of political detainees and political opponents in exile is not available. During high-security events, the Government controls the activities of about 10 opponents, particularly supporters of former Emperor Bokassa, by holding them under house or village arrest until the event is over. Four students arrested in September 1988 for alleged but unspecified political reasons were released soon thereafter without any known charges having been brought against them.

It is the Government's announced policy to encourage dissidents to return to the C.A.R.; several former opponents of the regime have returned and been appointed to high positions in the Government. In late August, a government opponent, Gen. Francois Bozize, and 11 followers returned from Benin. It is not clear whether they were forcibly expelled from Benin, but all were taken into custody upon arrival in the C.A.R. and were in detention awaiting trial at the end of 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary consists of regular and military courts, with the Supreme Court at the apex. In most cases involving common criminals, the Government permits legal procedures modeled after French Law to be fairly and openly applied, although execution of the law is hampered by inadequate training of officials and persistent traditional beliefs regarding witchcraft and sorcery that sometimes take precedence over strict rules of evidence. The accused have a right to legal counsel at all stages in the formal procedures and have the right of appeal.

In 1988 a High Court of Justice was created to try political prisoners, replacing the Special Tribunal of civilian magistrates and military advisers which had adjudicated political cases from 1981 to 1987. It functions in much the

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same manner as the ordinary courts, except there is no right of appeal, although the possibility of presidential clemency exists. No cases have yet come before this Court, although a president of the court was named in October.

The number of political prisoners is unknown. Political opponent Ruth Rolland was released from prison in September by a Presidential Decree of General Clemency. Rolland had been tried, convicted, and imprisoned for distributing tracts critical of the Government. She was rearrested on December 16 on unspecified charges.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference with privacy is common only in political and security cases. The law formally prohibits the invasion of the home without a warrant, and this prohibition is not generally abused in civil and criminal cases. If a political crime is considered to be involved, police are allowed to search private property without written authorization. The consensus among Central Africans is that their Government can and does keep a close watch on any citizen who opposes or appears to oppose it, but government surveillance is rare in practice.

To combat increasing local crime, including robbery and assault, citizens' action groups, called vigilance committees, were created by the RDC. These committees, consisting of 20 volunteers per neighborhood, patrol the streets and have the right to stop and hold suspected criminals briefly before handing them over to the police. A code of conduct guides committee members, forbidding them, for example, from invading private property or acting in the capacity of a police officer. In September the RDC decided to establish vigilance committees throughout the country.

Civil servants are not required to be party members, but there are strong social pressures to join, particularly in the case of those holding higher level positions.

Section 2 Respect for Civil Liberties Including:

a. Freedom of Speech and Press

The right of private citizens to speak publicly about political developments or to criticize the Government is circumscribed, although most people feel free to comment privately on political affairs. The National Assembly provides a limited forum for public discussion of government policies.

Newspapers, radio, and television are all government owned and controlled. Domestic news favors upbeat stories and noncontroversial events. Reporting on international news is selective and tends to avoid events that may be embarrassing to friendly foreign governments.

Thomas Kwazo, a journalist serving a 3-year sentence for filing an "unauthorized" story, was released following the September Clemency Decree for various prisoners.

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b. Freedom of Peaceful Assembly and Association

Despite constitutional guarantees of the right to assembly, only assemblies of a nonpolitical nature can take place without government approval. Groups that register with the Ministry of Interior can hold meetings. Government forces quickly disband unlawful assemblies and, in some instances, arrest the participants.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

A variety of religious groupings are active in the country (approximately 35 percent traditional African, 50 percent Christian, 15 percent Muslim). Religious organizations and missionary groups are generally provided religious freedom by Central African custom. However, any group whose behavior is considered political in nature is quickly stifled. In 1986 the Jehovah's Witnesses were banned by the Minister of the Interior for alleged advocacy of civil disobedience. This restriction was only partially enforced, and Witnesses continued to congregate quietly for religious services in private homes. In April 1989, about 100 participants at such a meeting in Bangui were rounded up and detained by police under direct supervision of the Minister of the Interior. Most were released within 2 days; the others a few days later. The last four foreign Witnesses remaining in the country were expelled shortly afterward. Other religious groups also have been affected. In February the Minister of the Interior suspended the activities of the Fraternal Union of Baptist Churches on unspecified grounds. It resumed its activities in July. In September he suspended indefinitely the activities of the Union of Evangelical Pentecostal Churches for "irresponsible conduct." It remained suspended at the end of 1989.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

People are generally free to move about within the country. There are police checkpoints along major roads which sometimes present an obstacle to travelers unwilling or unable to pay bribes expected by some officials.

The right of voluntary travel and repatriation is recognized. Financial and educational constraints, rather than government controls, act to restrict most foreign travel and emigration. There were no known cases of revocation of citizenship.

A reduction of political tensions in Chad since 1985 prompted many Chadian refugees in the C.A.R. to return to their homeland voluntarily. Their number in the C.A.R. declined in 1989 to less than 3,000, from a high of 45,000 in 1984-85.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability to change their government through democratic means. The power and prerogatives of the President and the sole party are not subject to change from below. There has been progress in expanding participation in the political process. The President makes all important national policy decisions, although he allows his Cabinet

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considerable leeway in day-to-day activities of government administration. The President is also head of the party, the RDC. Approval of the RDC is required in order to run for political office, including the National Assembly.

The Constitution grants the National Assembly, elected by secret ballot in free elections, the authority to debate and vote on bills proposed by the executive and to initiate legislation of its own. Deputies are promised immunity from prosecution or other government interference for opinions voiced or votes cast during the exercise of their duties in the National Assembly. Assembly sessions in 1989 were marked by occasional frank criticisms of government policy, and for the first time the Assembly considered budgetary matters. Virtually all measures proposed by the Government eventually were adopted by nearly unanimous votes after significant amendments by the Assembly. In March the Deputies elected a new Assembly President.

Elections for municipal councilors were held in May 1988. In the seven largest towns, the Ministry of the Interior chose one member of the elected municipal council to serve as mayor. In all other municipalities the mayors were, at least in theory, elected by the municipal councils; but in several cases the councils were overruled by the Ministry of the Interior.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local organizations to monitor human rights issues. However, the Government does permit representatives of Amnesty International and the International Committee of the Red Cross to visit Bangui periodically. The Government also permitted an October visit of an International Labor Organization (ILO) mission to investigate allegations of worker rights abuses (Section 6.a.). Union representatives indicated the visit went well. The Government plans to host in January 1990 a conference on human rights sponsored by the International Committee on African Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution mandates that all persons are equal before the law without regard to wealth, race, or religion. In practice, some minorities tend to receive unequal treatment, e.g., the forest-dwelling Bamingua, commonly known as pygmies, are subject to discrimination and exploitation which the Government has done little to correct.

There are more than 80 ethnic groups in the Central African Republic, with about 70 percent of the population being Ngbaka, Baya, or Banda. While President Kolingba has made statements about the desirability of an ethnic balance in his Cabinet, preference for high government and military positions has been given to members of his Yakoma ethnic group (approximately 10 percent of the population). Each ethnic group has its own language, but the Sangho language is spoken throughout the country.

Although the Constitution affirms the equality of all citizens, women have traditionally been accorded fewer opportunities than men. Certain jobs remain closed to women,

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such as service in the gendarmerie. There are no precise data on the percentage of women in the paid labor force. Many are involved in traditional labor--gathering food and firewood and keeping house--while others are in commerce as market vendors. Educated women working outside the home typically find clerical jobs, but some are gradually moving into professional positions.

Polygamy is legally sanctioned, although increasingly fewer women accept the practice. A prospective husband must indicate at the time of the marriage contract whether he intends to take further wives. Divorce is legal in the C.A.R. and may be initiated by either partner.

Violence against women, including wife beating, occurs, but it is difficult to gauge the extent of the problem, as it is seldom officially reported. The Ministry of Justice does not generally hear many cases from people complaining of spouse abuse, although the issue does come up during divorce trials or in civil suits for damages. Most often, women will tolerate abuse in order to retain a measure of financial security for themselves and their children.

Female genital mutilation (circumcision) has been forbidden by law since the 1960's, but it is practiced by some ethnic groups. Enforcement of the prohibition is rare as it is basically considered a private, family matter. It is practiced in rural areas and, to a lesser degree, in the Muslim quarters of Bangui. Many urban dwellers consider it an outdated custom.

Section 6 Worker Rights

a. The Right of Association

A 7-year suspension of most trade union activity ended on May 19, 1988, when a law concerning trade union freedom and the protection of union rights was adopted. The new law provides employees and employers the right to establish and join organizations of their own choosing, to draw up their own constitution and rules, to elect their own representatives, and to formulate their program of action. Implementation of the law was delayed nearly a year while the Government drafted detailed regulations and guidelines.

On May 1, 1989, the law entered into full force, and the Minister of Labor gave workers throughout the country official permission to begin organizing. The Government determined that all trade union activity should begin from the ground up with elections organized by profession and place of work. Only after all major trade unions are in place will workers be permitted to convene a congress to set up a National Federation. Once the law had entered into force, teachers, civil servants, and employees at most of the large factories and businesses in the capital, Bangui, met in groups organized by profession and place of work in order to elect representatives and draft statutes for their union locals. By the end of November, 50 unions had held elections, 37 of them had submitted their statutes to the Ministry of the Interior, and 28 of them had been officially recognized. The other 9 are still in process. The Procurator and the Ministry of Labor retain the right to review the statutes for compliance with labor legislation. Encouraged by their official recognition, local unions have stepped up their activities and plan to send a committee outside of Bangui to organize unions

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on a regional level. Two seats for labor representatives are reserved on the Economic and Regional Council.

The new law permits strikes when all efforts at conciliation have failed. It also allows unions to become affiliated with international labor organizations; even during the 1981-88 ban on union activity some labor leaders continued to attend international labor congresses.

Despite this progress, there are unresolved problems with the 1988 law as written, e.g., restrictive membership requirements and the uncertain role of federations. In June the ILO Committee of Experts on Applications of Conventions and Recommendations took note of recent changes outlined by the Government's representative, but determined that C.A.R. compliance with ILO conventions could only be assessed by a direct contacts mission. A visit by such a mission took place in October. The mission's report had not been made public by the end of 1989.

In April the U.S. Government announced the suspension of certain trade privileges accorded the C.A.R., based largely on the C.A.R. Government's failure to respect freedom of association since 1981.

b. The Right to Organize and Bargain Collectively

The 1988 union law, which applies throughout the country, accords trade unions full legal status, including the right to own property and to sue in court. Employers are forbidden from discriminating against workers on the basis of union membership or union activity, and infractions can result in the assessment of legal damages. It is too early to tell whether, or how effectively, these provisions will be enforced. Mechanisms for collective bargaining spelled out in the 1961 Labor Code fell into disuse during the ban on union activity and had not yet been revived in late 1989. The 1988 law does not specifically address whether trade unions may engage in collective bargaining. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The ILO Committee of Experts has for some years noted "considerable divergencies" between legislation and practice in the C.A.R. with respect to Conventions No. 29 and 105 on forced labor. The Government has maintained that the C.A.R. laws in question, which all date back to the 1960's, are obsolete and are no longer observed. In its 1989 report, the Committee noted that the Government had indicated its readiness to accept, but has thus far not requested, ILO assistance in drafting legislation to repeal the offending laws.

d. Minimum Age for Employment of Children

Employment of children under 14 years of age is forbidden by law. The relevant legislation is only loosely enforced. Jobs are in such demand that children in the labor force are generally limited to helping the family in traditional subsistence farming or retailing.

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e. Acceptable Conditions of Work

Minimum wages are established by the Government, and a social security system exists for private industry. The minimum wage for a manual laborer, for example, is about \$40 per month and about \$140 per month for a stenotypist. These salaries assure a family the basic necessities but are barely adequate to maintain a decent standard of living as measured against the norms of industrialized countries. The Government has not raised the minimum wage since 1980, partly in response to pressure from international financial institutions. Much labor is performed outside the wage and social security system, especially in the large subsistence agricultural sector by self-employed farmers. The law sets maximum working hours for government employees and most people in the private sector at 40 hours per week. Domestic employees may work up to 55 hours per week. There are also general laws on health and safety standards in the workplace, but they are neither precisely defined nor actively enforced.

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President Hissein Habre, whose support is based in the armed forces, heads an authoritarian government which came to power in 1982 after protracted civil war. Since then, President Habre has governed through a Council of Ministers and a National Consultative Council, both appointed by him. On December 10, in Chad's first election since 1969, a new Constitution was adopted by referendum, and Hissein Habre was elected to a 7-year term as President. Legislative elections for the National Assembly, as mandated by the new Constitution, are expected to be held during the first part of 1990. The multiethnic National Union for Independence and Revolution (UNIR), created in 1984 to broaden Habre's political constituency, remains the only officially recognized political party. Many former opponents continued to be brought into the civil service and army, including some at the ministerial level, while several hundreds of their followers were released from prison. President Habre's long-time rival, ex-president Goukouni Oueddei, remained in self-imposed exile in 1989.

The Government employs a large internal security apparatus. In addition to the army and police, it includes the National Security Service (DDS), the Special Rapid Intervention Brigade (BSIR), the Rural Paramilitary Police (Gendarmerie), and a Presidential Security Service. Chad has been concerned about sporadic terrorism, mostly emanating from Libya, and chronic instability among ethnic groups, notably the Hadjerai and Zaghawa in 1988 and 1989.

Chad remains desperately poor, and its economy has been severely dislocated by extended war with Libya and by declining world prices for its principal export, cotton. Its estimated 4.5-million population has one of the lowest per capita annual incomes in the world, \$178 in 1988. The Government relies heavily on foreign donors, particularly France, to finance government operations and to fund development projects. The economy improved in 1989 as the Government adopted a stringent World Bank plan, important donors increased their aid, and abundant rains insured that subsistence farmers and herders produced enough to feed themselves.

Human rights in Chad remained circumscribed in 1989. Major human rights concerns were: possible extrajudicial killings; torture and harsh treatment of prisoners; indefinite and incommunicado detentions; denial of fair trial; restrictions on freedom of speech and press, assembly and association, and the right of citizens to change their government democratically. However, significant steps were taken in 1989 to improve the situation. Between December 1988 and December 1989, the Government released 625 dissidents or former Chadian rebels from prison. Chad's new Constitution promises basic political rights and liberties to all Chadians and secret elections through universal suffrage. In August the Habre Government further eased tensions with Libya with the signing of a bilateral Framework Accord committing the two countries to seek a political solution to their longstanding territorial dispute, and to release all prisoners of war (POW's). Chad continued to hold Libyan POW's at year's end, as well as an unknown number of persons arrested in the wake of a military revolt in April.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no confirmed instances of government-instigated political or extrajudicial killings in 1989. In April a group of senior military leaders, all of whom were members of one branch of the Zaghawa ethnic group, led an armed revolt against the Habre regime. The Government successfully put down the revolt and arrested an unknown number of persons, most of them Zaghawa. Their status at the end of 1989 was unknown. There is concern that Army Commander Hassan Djamous, who was implicated in the April 1989 military revolt, may have been summarily executed.

b. Disappearance

There were no confirmed disappearances in Chad during 1989. However, the fate of hundreds of Chadian soldiers who fought under Goukouni and were captured in July 1983 has not been clarified by the Government. Amnesty International (AI) estimates the number of these "disappeared" prisoners as between 500 and 1,000.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no confirmed reports of torture of prisoners during 1989. Due to government secrecy and the practice of holding most political/security detainees (and many others) in indefinite, incommunicado detention, it is difficult to obtain information on torture and many other alleged abuses of prisoners. For example, the Government has never clarified the fate of Saleh Gaba, a journalist, who, according to many reports, was tortured with electric shocks and beaten severely, and who reportedly died in prison in June 1988. AI requested the Government to conduct an urgent investigation into the circumstances of Gaba's death, but no response had been received by the end of 1989.

There were allegations that government troops continued to use extreme measures and intimidation to maintain order in parts of Guera prefecture, where a 1987 insurrection among members of the Hadjerai ethnic group was met with strenuous repression, including summary executions. There were also reports in 1989 that the military had used similar measures against members of the Zaghawa ethnic group following an armed revolt in April by senior Zaghawa military commanders.

Prison conditions in Chad are harsh, and abuses in handling prisoners, usually in the form of beatings, are understood to be common. Conditions are reportedly severe in the special detention centers maintained by the DDS and other security organizations. The lack of food and medical treatment is reported to be especially glaring, and prisoners in past years are alleged to have died from the combination of malnutrition and physical abuse.

d. Arbitrary Arrest, Detention, or Exile

Under Chadian law, the authorities are required to show probable cause in making arrests and to adhere to established

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judicial requirements in detaining persons (see Section 1.e.). In security/political cases (the term is very broadly interpreted), the Government has a completely free hand. Those who express views critical of the Government, or hold views different from it, often are regarded as endangering the security of the State and may be subject to indefinite detention without trial. Many detainees are held incommunicado, and most are never charged or tried.

The total number of political detainees, as distinct from prisoners of war, is not known. Among detainees believed held without charge, reportedly because of their political beliefs or ethnic origins, are: Gamane Gody; Ahmed Lamine; Moussa Konate; Gamane Moussa; Keffine Abouzarga; Djibrine Daoud; Djimet Gondje; Issa Kamsoul; Abderamane Tchere; and Dari Tchere.

Between December 1988 and December 1989, the Government released 625 Chadians from prison, including on December 22, 1989, Moukhtar Bachar Moukhtar, formerly Secretary of State, Ministry of Agriculture. Most were former members of armed factions opposed to the Government, especially the Chadian Patriotic Front (FPT) which reconciled with the Government in 1988. Some of those released were considered political prisoners rather than POW's. All were given the option of joining (or rejoining) the Chadian armed forces, or of returning to their former occupations. The Government has steadfastly refused to allow the International Committee of the Red Cross (ICRC) access to Libyan prisoners captured since 1986. In November, government authorities met with a high-level delegation of the ICRC, and it was announced that an agreement in principle had been reached "to permit the ICRC to take measures leading to visits to the Libyan POW's." However, by year's end, no such visits had occurred. A number of Libyan POW's have joined the Libyan National Salvation Front, which is opposed to Colonel Gadhafi's regime and which is based in Chad. These Libyans are no longer considered POW's by the Government.

A number of people, primarily members of a clan of the Hadjerai ethnic group, were arrested on security grounds in 1987 and remained in detention during 1989 without charge or prospects of trial. In December 1988, government troops defeated a band of Libyan-backed rebels, most of whom were Hadjerai, and more Hadjerai suspected of complicity with the rebels were arrested and held without charge. According to AI, more than 180 persons belonging to the Hadjerai ethnic group were in secret detention at the beginning of 1989. These included a number of children.

The President has called for persons in exile to return to Chad; many of them have done so and have been integrated into the Government and military. Nevertheless, there also have been reports of detention by government security forces of former Chadian exiles upon their return to Chad, including Hadja Merami, and her daughter Azzine. Although Hadja Merami was subsequently released, her daughter was reportedly still held without charge at the end of 1989. President Habre's long-time rival, ex-president Goukouni Oueddei, remained in self-imposed exile in 1989.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The Chadian judicial system (the Supreme Court and several lower courts) and Criminal Code have evolved from the body of law (Napoleonic Code) inherited from the former colonial power, France. This law includes safeguards against arbitrary arrests and provides for specified detainee rights, including the right to counsel and the right to be promptly informed of charges. There is also a traditional system of law presided over by sultans and chiefs. It is generally effective and fair in resolving property and other civil disputes and in dealing with cases involving petty local crime. Decisions in customary courts may theoretically be appealed to the regular courts.

Armed conflict over more than 20 years has severely disrupted the legal system, and political/security cases almost never come before the courts. The Government has made some effort to reestablish civilian law enforcement in liberated areas. AI states in its 1989 Report that, since President Habre came to power in 1982, no political prisoners have been brought to trial or even had their cases referred to judicial authorities. AI asserts they have been kept in secret detention, under harsh conditions, and are released only when it suits the Government's political purposes.

Whether accused of crimes or security offenses, most Chadians do not get speedy trials, in part because of the rudimentary nature of the Chadian judicial system. There are only a few trained lawyers, judges, and other court personnel. Many of Chad's tribunals do not even have law books. The few trained judicial officials complain of a heavy backlog of cases. Trials can be held in public or private at the option of the Government. No legal right to a timely trial exists.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Chadian law, homes may be searched only during the day and under authority of a warrant. In practice, there are many instances where this law has not been respected, especially in areas where ethnic unrest continues. Correspondence carried by people traveling overland in Chad is often checked by authorities at various points, but correspondence sent through the Chadian postal system is less likely to be subjected to such controls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Officially, free speech is assured under Chadian law, but in practice public or private statements that the authorities consider seditious have led to arrest. There is no prior restraint on the publication or broadcast of information in Chad, but the media (television, radio, and two newssheets) are government controlled and directed, and there is no opportunity for opposing views to be heard. The small Chadian press corps is careful not to criticize the Government or its policies. Occasionally the Government authorizes controlled public criticism of individual ministries or agencies of government and officials. Academic freedom is nominally respected but is subject to similar restraints.

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The Government's treatment of foreign correspondents, uneven in the past, improved in 1989. The Government encouraged visits by foreign journalists, facilitated their interviews with public officials, and allowed them access to many areas of the country long off-limits to the foreign press. It did not impose prior censorship, a change from the past, but banned an April issue of Jeune Afrique magazine which contained an article about the attempted military revolt.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association is restricted. Chadians may assemble peacefully only as long as the purpose of the meeting is not opposed to government policies. Prefects have the nominal right to forbid a meeting, but prior permits are not required unless the gathering anticipated is large enough to cause a public hazard.

Membership in UNIR is voluntary. Although President Habre is intent on having a single mass political movement to which all Chadians will belong, he continued to permit the existence of a number of small former opposition political groupings.

For a discussion of freedom of association as it pertains to labor unions, see Section 6.a.

c. Freedom of Religion

Chad is officially a secular state in which Islam, Christianity, and other religions are practiced freely. Both Islamic and Christian holidays are given official status. More than 50 percent of Chad's population is Muslim, and Chad is a member of the Organization of the Islamic Conference. Christian missionaries may, nevertheless, enter the country, proselytize, and provide assistance to local populations. They are mainly active among the non-Muslim ethnic groups in the south. Strictly religious publications are allowed to circulate freely. The Government neither favors nor disfavors members of particular religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chadians enjoy freedom to move around the country except within military zones or areas of recent or potential combat. These restrictions generally pertain only to the northern one-third of the country and are not enforced for the sparse population of that large desert region. In the north, retreating Libyan military left thousands of landmines under the sand, which have claimed some civilian victims. International travel is permitted, but regular passports are expensive (about \$60), and travelers must be cleared by Chad's internal security services, a process which normally takes less than a week. Chadians are free to emigrate.

In the past, thousands of Chadians fled to neighboring countries because of drought and civil strife. As conditions began to improve in 1986, most of these displaced Chadians returned from neighboring countries, encouraged by the Government. These returnees, as well as those Chadians who fled the occupied northern zone, have been well received.

CHAD**Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Under the Chadian political system in effect through late 1989, citizens did not have the right to change their Government through elections and referendums. Since June 1982, Chad has been governed by President Habre, who heads a Council of Ministers complemented by an appointed National Consultative Council. Both Councils are carefully balanced to promote ethnic and regional harmony, as is the membership in the executive organs of the country's only authorized political movement, the National Union for Independence and Revolution (UNIR). The main source of President Habre's authority has been the allegiance he commands from the armed forces and the security services. In some areas, traditional leaders (e.g., cantonal or village chiefs) are popularly elected or chosen by the subordinate members of the traditional hierarchy.

While ethnic unrest continued in some regions of Chad, and opposition leaders such as ex-President Goukouni remained abroad, President Habre made further efforts in 1989 to achieve international and national reconciliation on the political front. On August 31, Chad and Libya agreed to seek a political solution to their conflict over the Aozou strip. This Framework Accord, signed in Algiers, includes a provision for an exchange of prisoners of war and, potentially, the withdrawal of Libyan troops from the disputed northern border area.

In addition, President Habre carried through on the "Libreville Accords," signed in late 1985 in Gabon by the Chadian Government and the rallying opposition parties, calling for the drafting of a new constitution within 4 years and eventual free elections. A Constitutional Commission presented a draft document in March 1989, and after scrutiny by the Government, the party, and the President, the people approved a new Constitution by referendum on December 10. President Habre was elected President without opposition at the same time. The Constitution promises basic human and political rights, including the rights of women and labor unions. It also provides for a unicameral legislature scheduled to be elected in 1990.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Chad cooperates with the ICRC in permitting some prison visits, but continued to deny the organization access to any Libyan POW's, although discussions on this issue continued in 1989. It did not respond to AI's appeal for an investigation into Saleh Gaba's case (see Section 1.c.). There are no local human rights organizations that monitor and comment on the Government's human rights policies.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are 200 ethnic groups in Chad. They are roughly divided between Saharan and Arab Muslims in the northern and eastern regions, and Bantu peoples in the south. The latter group includes both those who have retained traditional animist practices and those who have adopted Christianity. Over 20 years of conflict have transformed the complexity of ethnic

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divisions beyond simple north-south formulations. Between 1965 and 1985 as many as 11 factional armies contended at times for control of the country. In an effort to build a national government, President Habre has expanded ethnic and geographic representation by appointing people to top government and party positions from all parts of the country.

Officially, Chadian women enjoy full political equality and the full protection of the law. In practice, neither traditional law nor the inherited French Code fully protects women's rights. The new Constitution specifically prohibits discrimination on the basis of sex. Women contribute the bulk of labor in virtually all aspects of farming, even though men are the heads of many agricultural cooperatives. Women also engage in commerce ranging from managing simple market stalls to the ownership of some larger businesses. Women serve voluntarily in the armed forces, although they are excluded from officer training programs.

Violence against women, mainly wife beating, reportedly occurs in Chad on a fairly wide scale, but it is difficult to quantify. Doctors in Chad estimate that about 7 percent of admissions to emergency wards are for domestic violence cases directed against women, about 3 percent against men. While domestic violence is not sanctioned by the Government, the police do not normally intervene in domestic disputes because of strongly ingrained traditional attitudes of male dominance. Formal legal remedies are ineffective. Customary courts occasionally intervene, reflecting the mores of the different ethnic groups they represent. OFUNIR, the women's wing of the political party UNIR, is strongly and articulately vocal in opposing domestic violence directed against women. Early in 1989, OFUNIR organized a well-publicized lecture and discussion on the issue. Female genital mutilation (circumcision) has long been common in Chad; it is more prevalent in the south as part of initiation rites and in cities among all ethnic groups as a status symbol. The Government opposes these practices but has not outlawed them due to the deeply rooted traditional and religious attitudes of many Chadians.

Section 6 Worker Rights

a. The Right of Association

About 95 percent of all Chadian workers are involved in subsistence agriculture, animal husbandry, or fishing. As a result, the labor movement is small and only marginally effective. Chad's labor laws permit the formation and functioning of unions subject to restrictions. The two rival trade union federations were merged in 1988 into a single national umbrella organization, the National Union of Chadian Trade Unions (UNST), which subsequently became the labor wing of the ruling UNIR party. All unions are required to be members of the UNST, which is controlled by the Government. The UNST has not sought to affiliate with any international trade union organizations except African organizations such as the Organization of African Trade Union Unity.

The right to strike exists only if arbitration at three levels in the Ministries of Labor and Justice fails. This process, which in effect makes strikes illegal, has been criticized by the International Confederation of Free Trade Unions. The International Labor Organization (ILO) Committee of Experts (COE) has observed that various legal provisions of Chadian

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law, which forbid public employees from exercising the right to strike, prohibit trade unions from all political activity, and suspend all strikes, are at variance with Convention 87 on Freedom of Association, which Chad has ratified. The Government has given assurances that these provisions will be repealed, and the ILO is advising the Government on the preparation of draft language for a new labor code.

b. The Right to Organize and Bargain Collectively

Freedom of association and the right to form unions is guaranteed in Chad's new Constitution, and the right of labor to organize and bargain collectively is established in Chadian law. However these rights are weakened by provisions that allow the authorities to intervene in the collective bargaining process and require prior government authorization for collective agreements to come into force. Government labor tribunals exist to hear worker-employer disputes. Their decisions may be appealed to the judicial system. Labor laws are applied uniformly throughout the country. There are no export processing zones.

The ILO COE has welcomed the Government's stated intention to amend the labor code to reduce significantly government interference in the collective bargaining process.

c. Prohibition of Forced or Compulsory Labor

The ILO has been critical of Chad in the past for the use of forced labor. The Government is continuing discussions with the ILO on revising its labor laws to meet ILO conventions on forced labor, which Chad has ratified.

d. Minimum Age for Employment of Children

The minimum age for employment is 14 in the wage sector, but enforcement of this law is limited. There is general compliance in practice, given the large pool of adults seeking employment. However, children work on family farms at a much earlier age.

e. Acceptable Conditions of Work

The statutory minimum wage rate for workers in the formal economy is approximately \$25 per month, which is barely sufficient for subsistence. The Government, the largest employer, promised to begin paying civil servants their full salaries in 1989, but frequent budgetary shortfalls caused irregular payments. Most workers must supplement their incomes through subsistence agriculture, second jobs, and/or reliance on the extended family system.

Most nonagricultural work is limited to 48 hours per week, with overtime to be paid for any excess. Agricultural work is supposedly limited to 2,400 hours per year. All workers must have at least 24 consecutive hours of rest each week, usually on Sunday. Occupational health and safety standards are established by law and ministerial decree; but, as with most social legislation, enforcement is weak.

COMOROS

During much of 1989, the Federal Islamic Republic of the Comoros was a de facto one-party State led by President Ahmed Abdallah Abderemane, who, backed by the Presidential Guard, had been continuously in power since 1978. Located in the Mozambique Channel between East Africa and Madagascar, Comoros comprises three islands and claims a fourth, Mayotte, which is still governed by France. In 1989 there were four important amendments to the 1978 Constitution, including one which would have permitted President Abdallah to succeed himself in 1990.

On November 27, President Abdallah was assassinated under mysterious circumstances. Under constitutional provisions, the head of the Supreme Court became acting President, and Abdallah's Cabinet of Ministers remained in place. However, effective power rested with Bob Denard, a French soldier of fortune, and approximately 25 European mercenaries who were serving as the officers of the Presidential Guard. Denard and his group eventually bowed to intense pressure from France and South Africa and voluntarily departed the Comoros on December 15, leaving command of the Presidential Guard in the hands of French troops who arrived that same day. At the invitation of the acting President, a wide spectrum of Comorian political leaders began roundtable discussions in mid-December to prepare for new, democratic presidential elections in 1990.

About 25 mercenaries, primarily French, had trained and led the South African-funded Presidential Guard, which had primary responsibility for internal security and which was the source of a number of human rights abuses. France, which had provided considerable financial and technical assistance to the small Comorian armed forces and the gendarmerie, seemed likely to reorganize the Guard and integrate it into the regular armed forces in the wake of the mercenaries' departure.

Agriculture dominates the economy, but Comoros is running out of arable land, and soil erosion on the steep volcanic slopes is an increasing problem. Revenues from the export of vanilla, essence of ylang ylang, and cloves continue to fall. Three major families, of which the late President Abdallah's is one, control most of the import-export business. Comoros is part of the French franc monetary zone and depends heavily on France for budgetary support and technical assistance. In 1989 Comoros began to implement a number of economic reforms sought by the International Monetary Fund and World Bank, including a 5-percent cut in already low civil service salaries.

Human rights were sharply restricted during President Abdallah's rule. Freedom of speech, press, association, citizens' rights to change their government, women's rights, and worker rights were all significantly restricted. Several weeks before he was assassinated, voters in a referendum approved constitutional changes that removed restrictions on President Abdallah's ability to succeed himself; there were numerous reports of fraud and tampering with ballot boxes in the referendum. During the brief period of rule by the mercenaries after Abdallah's death, there were almost no arrests, and virtually all political prisoners were released. By the end of the year, politicians were actively engaged in the preparations for presidential elections in 1990.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings in 1989.

b. Disappearance

There were no reports of disappearance in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no substantiated reports of torture or other cruel, inhuman, or degrading treatment or punishment in 1989. However, there were unconfirmed reports that in the last days of the Abdallah regime, after the November 5 referendum on constitutional changes, there was some torture of suspected arsonists on the island of Anjouan.

d. Arbitrary Arrest, Detention, or Exile

In 1989 there were no known cases of arbitrary arrest or detention. In regular criminal cases, a person may not be detained more than 48 hours without being charged. This is generally followed in practice. However, under Abdallah's regime, there was apparently no such limit in cases involving national security, which was interpreted broadly by the Government. For example, four persons, including two former ministers, were detained for 2 months in 1988 in connection with a pamphlet criticizing the Government for its neglect of the island of Moheli.

From November 27 to December 15, when Denard and the mercenaries effectively controlled the country, virtually all those who had been detained after the 1985 and 1987 coup attempts and in connection with the November 5 referendum, were released.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for the equality of all citizens before the law and the right of all accused to defense counsel. The Comorian legal system applies Islamic law and an inherited French legal code. Most disputes are settled by village elders or by a civilian court of first instance. In regular civil and criminal cases, the judiciary is usually independent, and trials are public, but in national security cases during the Abdallah regime regular judicial procedures were sometimes completely ignored.

One of Denard's last official acts was the release of Said Moustafa Cheik of the leftist Democratic Front, whom Abdallah considered to be the only political prisoner in the country.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of home and property. There were no known cases of arbitrary interference

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with privacy in 1989. There is no regular, systematic interference with correspondence, but some members of the opposition believed that their mail may have been screened by the Presidential Guard (see also Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Despite constitutional provision for freedom of expression, thought, and conscience, they were significantly restricted under President Abdallah's rule. Comorians discuss and criticize the Government and its leading personalities openly in some situations. During the parliamentary debates on the constitutional changes, the Assembly's sole opposition member spoke freely against the Government, for which he was sharply criticized by President Abdallah, but otherwise suffered no harassment. The so-called *tribune libre*, an informal private forum for discussion of political, economic, social, and other issues, has been in existence for several years. Meetings are by invitation, but all subjects are covered, and the existence of the group was known and tolerated by the Abdallah Government. Attendees include figures from both the public and private sectors.

However, the Abdallah Government restricted public criticism of its performance. After political tracts critical of the regime appeared in Mutsamudu, Anjouan, the Government organized public meetings to criticize the authors. One member of a leading business family, who wrote an open letter critical of the President and accused a senior minister of corruption, was harassed by the Government and fined exorbitant amounts for petty tax and customs duty irregularities.

There is a considerable degree of self-censorship by the government-owned radio station and the semi-independent bimonthly newspaper. Prior censorship is rare.

Foreign journals and newspapers are available, as are books from abroad. The Paris-based Indian Ocean Newsletter, which is often critical of the Comoros, generally arrives unhindered through the international mail. To show solidarity with fellow Moslem countries, Salman Rushdie's "Satanic Verses" was banned in 1989, and in March the Interior Minister personally led a public burning of foreign publications containing excerpts from the book. For several weeks after that incident, foreign publications were carefully screened and some issues were confiscated. An issue of the local newspaper was recalled in order to reprint a page containing an article about the Rushdie affair deemed overly critical of Westerners.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of association. Under Abdallah, Comorians were circumspect about organizing public political gatherings, and political groupings opposed to the Government kept a fairly low profile. The December roundtable discussions on the presidential elections comprised representation from a broad cross-section of society, including the previously banned Democratic Front.

For a discussion of freedom of association as it applies to labor unions see Section 6.a.

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c. Freedom of Religion

An overwhelming majority of the population is Muslim. The Constitution holds Islam to be the "wellspring of the principles and rules which guide the State and its institutions." However, the State upholds the right of non-Muslims to practice their faith. There are churches for the small Protestant and Catholic populations. Christian missionaries work in local hospitals and schools, but they are not allowed to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within the country. Passports and exit visas for foreign travel are generally granted. One disgruntled former government official was allowed to emigrate without any problem. A leading member of the opposition was denied an exit permit but successfully traveled to France anyway, via Mayotte and Reunion. Some members of the large Comorian community in France opposed the Abdallah Government, but in 1989 none of those returning to the Comoros were subjected to governmental reprisals.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under Abdallah, the right of citizens to change their government through peaceful means existed in theory but not in practice. With his November 27 assassination and the December 15 departure of the mercenaries who had led his Presidential Guard, a new political era opened in the Comoros. No less than 14 political groupings were represented in the roundtable discussions on the presidential elections, which will be held in 1990 at a date still to be determined. The roundtable discussions indicate that the Constitution will probably be modified to permit several political parties and presidential candidates to contest the elections. Following these, the new President would likely dissolve the Federal Assembly and organize open, multiparty parliamentary elections.

In the 1987 Federal Assembly elections, opposition candidates were permitted to run, but there was widespread fraud on election day, and the ruling United Progress Party (UPP) won 41 of 42 seats. In 1988 an opposition candidate won the by-election to fill the remaining vacant seat in the Assembly.

Traditional social and economic institutions also influence importantly the country's political life. Intra-island rivalries have been a persistent and growing factor. Village notables and Muslim religious leaders tended to dominate local politics.

Comoros continues to claim sovereignty over Mayotte, which did not join the other islands in declaring independence from France in 1975. The results of a 1977 referendum on the status of Mayotte--overwhelmingly in favor of remaining with France--has never been accepted by the Comorian Government. The French have indefinitely postponed a new referendum. In the June 1988 French parliamentary elections, 98 percent of the voters on Mayotte supported candidates advocating closer ties to France, while less than 2 percent favored candidates advocating independence or reunification with the Comoros.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

After 1986 the Abdallah Government did not respond to requests from human rights organizations including, as far as is known, Amnesty International's call for an investigation regarding the alleged use of torture on some detainees held after the 1987 coup attempt. No local human rights groups were permitted under President Abdallah's regime.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The constitutional recognition of Islam's special status formalizes the deeply held commitment of most Comorians to an Islamic world view. The society respects authority based on inheritance, age, wealth, and religious leadership.

The Constitution formally provides for the equality of citizens regardless of race, sex, or religion. Nevertheless, within Comorian society, men have the dominant role. Women have the right to vote and to participate, in theory, in the political process as candidates, but tradition has been a powerful force in discouraging women from direct participation in politics. Women are neither veiled nor limited, in terms of employment, to minor civil service posts. Change in the status of women is most evident in the major towns. Women are finding increasing employment opportunities in the small paid labor force, and generally receive wages comparable to those of men in similar work. Property rights generally do not disfavor women; for example, the house the father of the bride traditionally provides to the couple at the time of their marriage remains her property, even if her husband divorces her.

Violence against women, including wife beating, occurs but is believed to be rare. The Government has not addressed this issue specifically, however, and there are no studies or statistics available to help determine the extent of the problem. When an expatriate chef at a new luxury hotel slapped a woman for an alleged work infraction, her male coworkers quickly came to her rescue, and the chef was quickly fired. Female circumcision is not practiced in the Comoros.

Section 6 Worker Rights

a. The Right of Association

The Constitution allows workers to form unions and to strike. However, farming on small landholdings, subsistence fishing, and petty commerce make up the daily activity of most of the population. Hence, the wage labor force is small (less than 2,000 workers), and there are no formally constituted, legally recognized unions at present. There have been sporadic groupings of workers in various sectors (dockers, taxi drivers) who have formed temporary associations for presenting specific grievances, but these have tended to dissolve after their demands were met. Public service employees are not subject to the Labor Code but are granted the right to organize in civil service legislation. There is an active teachers' association.

A half-day strike at a new luxury hotel led to the firing of the expatriate manager and improvements in pay and working

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conditions. There were also brief work slowdowns by teachers and airport baggage handlers about late payment of salaries. The increasing scarcity of jobs is also a real restraint on labor complaints, organizational activities, and formal strikes. The Government's inability to pay wages and salaries on schedule sometimes results in work slowdowns, absenteeism, and informal, peaceful protests.

b. The Right to Organize and Bargain Collectively

The absence of formal unions does not mean that collective bargaining does not exist. There are various informal collective conventions between workers and employers. There are no export processing zones. Labor legislation, to the extent it exists, is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the Comoros.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 15. This is generally respected. Child labor is not an issue due to the lack of employment opportunities for adolescents and young adults. Children do help in family units in the large subsistence sector.

e. Acceptable Conditions of Work

The currently accepted minimum wage is approximately \$50 per month, which is barely adequate to cover basic human needs. However, the hours of work in any category rarely exceed 35 hours per week. In 1989 the Government reminded employers to respect the Labor Code, which guarantees a day off per week plus a month of paid vacation per year. Otherwise, the Government's role in such labor-related fields as setting health and safety standards is minimal.

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The People's Republic of the Congo is officially a Marxist-Leninist state governed by an elite group of civilian and military officials through the single legal party, the Congolese Labor Party (PCT). President Denis Sassou-Nguesso, Chief of State and Head of Government since 1979, serves as President of the 75-member PCT Central Committee. The President nominates the other 12 members of the PCT Political Bureau, the key policymaking group, whose selection is approved by the Central Committee. Under Sassou, Central Committee membership has usually reflected a balance among Congo's rival southern, northern, and central ethnic groups. The military and security services are firmly under the control of the northerners, who are the ultimate arbiters of power in Congo and have dominated its Government since 1968. The need to maintain a consensus among the competing regions and ethnic groups has provided a check on arbitrary and overly pronorthern policies. Congo's National Assembly has limited powers, but it has recently begun to serve as a sounding board on social and economic issues and to draw representatives of key interest groups outside the PCT into the political arena.

The security apparatus, which is under the direction of the Presidency, is headed by the State Security Organization (DGSE) and is patterned after those in Eastern Europe. Its principal objective is to protect the State against all possible dissident activity. As of late 1989, the military forces were no longer routinely used for internal security purposes because the police have been reorganized, removed from the Ministry of Defense, and given special riot and crowd control training. PCT "core groups" are in all ministries, labor organizations, mass organizations, and urban districts. They only intermittently attain their stated goal of monitoring the activities of workers and neighbors.

The Congolese economy is highly dependent on oil, and declining oil prices since 1985 have forced the Government to cut its budget expenditures, cooperate with the International Monetary Fund and World Bank in formulating a structural adjustment program, and to seek debt relief measures. In addition, since 1985 the Government has followed a policy of liberalization of the economy and has moved toward a truly nonaligned foreign policy. At the Fourth PCT Congress in July 1989, the party called for and adopted an economic program emphasizing administrative reform, agricultural self-sufficiency, privatization of state enterprises, and encouragement of foreign investment. Despite its Socialist policies, the PCT has never forbidden private property and enterprise, and it has encouraged the indigenous commercial sector in the past few years.

Human rights remained circumscribed in 1989. Most Congolese live their lives with little government interference as long as they do not criticize the Government. The principal human rights problems include mistreatment and torture of detainees; arbitrary detentions; lack of fair trial; discrimination against women; and tight restrictions on freedom of speech and press, assembly and association, worker rights, and the right of citizens to change their government.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for and Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings.

b. Disappearance

There were no reported cases of disappearance for political motives.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The practice of beating suspects at police stations and at state security centers in the course of interrogations is common. The public or the police frequently beat thieves who have been caught in the act of stealing. Political detainees are held incommunicado; Amnesty International (AI), in various statements and reports, has expressed concern about the use of torture to extract information from detainees held after the 1987 coup attempt. At the same time, several political prisoners held incommunicado in the past are now leading normal lives, including as government ministers. Prison conditions in general are very poor.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides protection against arbitrary indictment, arrest, and detention. But in practice a warrant is not required to make arrests. Under the Code of Penal Procedure a detainee must be brought before an investigative judge within 3 days of arrest. The judge may then order detention for a maximum period of 6 months, after which the detainee must be charged or released. This law, however, does not apply in cases involving security of the State, and political detainees have been held for lengthy periods without being brought before a judge or charged, e.g., the Government held Georges Mfaouta-Kitoko, Christophe Samba, and Florent Kihoulou without charge from 1986 to 1988 for belonging to an independent political discussion group and writing a tract calling for a "new society." The trial of those accused of participation in the 1982 Brazzaville bombings did not take place until 1986, and some of the accused were held incommunicado for several years. A similar pattern appears with respect to those accused in the 1987 coup attempt.

Despite government steps to increase the number of magistrates and improve procedures, the administrative processing of regular criminal cases is slow, and persons awaiting trial are often held for lengthy periods. Whether a detainee is formally charged usually depends upon the seriousness of the crime and the economic situation of the family. For lesser crimes, the person is usually taken to jail, where he may be beaten and held for a few days, then released on bail pending a trial which may never take place. A person accused of a serious crime (e.g., murder, rape) is held in prison until the trial, which may be held months or even years later.

The number of political detainees or prisoners in 1989 was unavailable. In 1987, according to AI, the Government arrested 60 or 70 people in connection with an abortive coup

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attempt by former army captain Pierre Anga and supporters with alleged ties to President Sassou's predecessor, Joachim Yhombi-Opango. The Government officially acknowledged the arrest of four military men and two civilians for alleged participation in the coup plot. Yhombi-Opango, Colonel Jean Michel Ebaka, and Lt. Colonel Eboundit, the ranking military officers arrested, remained in detention at a government housing complex at the end of 1989. After one coup participant was tracked down and killed by government troops in July 1988, a number of his relatives and other associates were arrested. The Government claims to have released some of these persons. In November 1989, it announced the release of some 40 civilians implicated in the 1987 coup attempt but has refused to reveal the names of those released or still in detention.

In 1988 the President announced an amnesty for most persons held for political offenses since 1963, excepting those arrested in connection with the 1987 coup plot. Despite this announcement, it appeared that at least some other political detainees remained in prison at the end of the year.

There were no known instances of exile being used as a means of political control in 1989. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of a Fair Public Trial

The legal system is not free from political interference. The Constitution establishes the Supreme Court at the apex of the judiciary, but in practice this Court is an arm of the executive branch rather than an independent body. The amended Constitution also provides for nonprofessional judges to be elected to all courts below the Supreme Court. The stated purpose of this was to "popularize justice," i.e., provide a role for peers to influence the formal judicial process. According to the law, any Congolese citizen can become a judge but can adjudicate cases only in collaboration with trained judges. All nominations must be approved by the party. By law, the right to a fair and public trial exists in all cases, and the judicial process is relatively fair and open for those accused of common crimes. It is not unusual to have a higher court reverse lower court decisions in nonpolitical cases. Detained persons are entitled to legal counsel, and all lawyers are regulated by the State. In capital criminal cases, defense lawyers are provided by the Government for those without funds.

While political cases usually do not come to the trial stage, when they do they are tried by a special court, the Revolutionary Court of Justice. Trials before this Court, such as the August 1986 trial of 10 persons convicted of causing bomb explosions in Brazzaville in 1982, have not met international standards of fairness. In that case, AI indicated that several judges were members of the PCT Central Committee and had been involved in the case at an earlier stage. In 1988 the President commuted the sentences of four defendants in the case. There were no known political cases tried before the Revolutionary Court in 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is generally little interference by the Government with privacy, family, home, or correspondence so long as a person

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does not engage in any overt activity which involves or implies opposition to the Government.

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

Freedom of speech and press are restricted, despite guarantees in the Constitution. The Government allows some criticism of its policies and programs judged not to be politically sensitive, but it does not allow its ultimate authority to be challenged publicly. The Government does not hesitate to arrest people and hold them incommunicado for expressing views it finds objectionable, as in the cases of the "new society" writers (see Section 1.d) and Jean-Felix Demba Ntelo, who was released by presidential decree in 1988 after several months in custody. (The Government maintains that these persons were involved in a coup plot.)

The State owns and controls all media except for one weekly religious newspaper. A state censorship committee reviews the content of all newspapers, movies, books, and records. Articles considered to be critical of the Government or its leaders are censored. The Government and party, through general guidelines for journalists, control the kind of news Congolese journalists may publish from various sources of information. Self-censorship, however, is the general pattern.

The Congolese have access to Zairian radio and television, as well as to news and feature programming from France and the United States. Western papers and magazines are freely available. However, individual issues containing articles critical of Congolese domestic politics have been pulled from newsstands and the mails; and foreign journalists working on domestic issues are occasionally detained or expelled. Foreign journalists are generally permitted to travel freely once an entry visa and a special permit for travel to the interior are obtained. These are usually granted.

Academic freedom is limited. The Congolese educational system borrows liberally from the Soviet system in form, but it offers a broad range of materials, including American, to students. Increasing numbers of Congolese pursue higher education in American and other Western institutions.

b. Freedom of Peaceful Assembly and Association

The right of peaceful assembly is limited by the State's perceived self-interest. Political meetings are permitted only for the party and its affiliated organizations. Government permission is not required for groups to assemble for religious or social purposes, but it is required for the use of official facilities. Government authorization is also required to establish professional clubs and organizations, of which there are several.

For a discussion of freedom of association as it applies to labor unions, see section 6.a.

c. Freedom of Religion

Freedom of religion is guaranteed by law, but the Government is officially atheist. Christmas Day, for example, is officially called Children's Day. Religious organizations, such as the Salvation Army, must obtain government permission

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to work in the Congo. Jehovah's Witnesses are not permitted. Members of the Baha'i faith may hold services but are prohibited from organizing and teaching. With these important exceptions, the government and party position toward religious affairs is characterized by political pragmatism, with regular, though unofficial, contacts between the respective leaderships.

The Catholic Church, the largest single religious community, maintains a seminary for the training of its clergy and has missions throughout the country. Masses are held in French and the various local languages. The Catholic church publishes the only independent newspaper, *La Semaine Africaine*. Catholic and other missionaries are active in managing private missions and providing other social services. Some social services formerly provided by the Catholic Church have lapsed, but a few continue as joint church-government ventures, especially in education. With the recent liberalization in Congo's economic policies, there are some signs of government efforts to solicit church support, including the provision of seats for religious representatives in the National Assembly.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government exercises limited control over the internal movement of its citizens through identification card checks and control points outside all major towns where soldiers or militia rigorously check identification documents. Congolese citizens wishing to travel abroad require exit authorization from the State Security Organization (DGSE). Passports are generally granted but must be returned to the DGSE after the traveler returns from abroad. There are no known instances of Congolese being refused the right to return to their country. There are no known cases of a native-born Congolese being denied citizenship.

The Congo is the home of about 2,000 refugees, primarily from Chad, Central African Republic, Rwanda, Burundi, and Zaire. In the case of Zaire, refugees are often indistinguishable from the sizable number of Zairians in Congo engaged in economic pursuits. Refugees are subject to surveillance and occasional harassment and expulsion by the Congolese Government, but there has been no widespread or systematic forced repatriation of refugees. The Congo is a party to the U.N. Convention and Protocol Relating to the Status of Refugees, and a representative of the United Nations High Commissioner for Refugees is resident in Brazzaville.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Congolese people do not have the right to change their government through democratic processes. Under the Constitution, the President of the Central Committee of the Congolese Labor Party (PCT) is automatically President of the Republic. After coming to power in a surprise Central Committee maneuver in 1979, Colonel Denis Sassou-Nguesso was reelected by regular party congresses in 1984 and 1989. The President is the most powerful single person in government, but his authority is limited by his need to maintain a consensus in the Political Bureau and within the larger Central Committee. The Congolese military, whose leadership is drawn primarily from the north, supports the Government,

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and its officers occupy key positions among the ruling group. Government and party positions, however, are awarded to representatives of the southern and eastern ethnic groups in numbers sufficient to ensure their support or acquiescence and to maintain a rough regional and ethnic political balance.

Opportunities for political involvement by Congolese citizens are limited to the Marxist-Leninist Congolese Labor Party (PCT), including its mass organizations, and to participation in national, regional, and local assemblies. The PCT is the "supreme social and political organization." No other political parties are permitted to operate, and political competition takes place almost exclusively within the PCT framework. PCT membership is approximately 10,000 out of a population of some 2 million. Membership is awarded on the basis of political loyalty and public service.

The national, regional, and local assemblies are elected by universal suffrage from single, party-approved lists, which contain only one candidate for each seat. The selection process can involve a certain amount of negotiation within the PCT, and incumbents have been turned out of office in the process. National Assembly representatives are chosen on a merit basis from a broad spectrum of the population, including party members, the army, small farmers, workers, and representatives of religious groups. The powers of the National Assembly are limited, but its debates on social and economic issues have some impact. Regional and local assemblies may discuss issues and make recommendations before decisions are made at the national level. The last elections for the national, regional, and local assemblies took place in September 1989.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Congo Government rarely publicizes the arrest, trial, or release of political opponents. Polite listening without response is standard government procedure when faced with human rights inquiries from foreign governments or nongovernmental organizations. Foreign journalists have been expelled for investigating human rights issues, such as the circumstances under which political detainees are held. The Government did permit AI to send an observer to the 1986 bombing trial. It did not respond, however, to AI's subsequent request to send a delegation to review the human rights situation or to its 1987 memorandum concerning the 1986 trial. There are no human rights organizations in the Congo.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Under the Constitution there is no official discrimination based on race, sex, religion, language, or social status. As previously noted, northerners, especially those of the Cuvette region, exert strong influence in politics and in the security services. There are occasional reports of mistreatment of pygmies. Such incidents seem to be the result of cultural friction between those forest dwellers and villagers, rather than government policy, which specifically calls for integrating the pygmies into the economy and society.

Women have the same legal rights as men in commerce, politics, and society. Among some ethnic groups, women are often the

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chief decisionmakers. There is a large disparity, however, between salaries for men and women, and women are relegated to a secondary role in the modern sectors of society. This also holds for rural society where women are heavily involved in traditional family farming. The husband has considerable legal or actual control over the activities of his spouse, a control usually moderated by the influence of the extended family. Congolese women may not receive official travel documents without the permission of their husband, father, or male head of family.

Anecdotal evidence suggests violence against women, for example in the form of wife beating, is not widespread in the Congo. However, there are no studies or statistics available to determine more precisely the extent of the problem. There are no specific laws addressing violence against women beyond those protecting individuals regardless of sex. Legal remedies through the court system are available but are rarely used. In this strongly family-oriented society, informal remedies through the extended family system are most readily used. The Government has not specifically addressed the issue of violence against women, but in any case relies on the PCT women's organization to take the leadership role in educating the public in such matters. Female genital mutilation (circumcision) is not practiced among the Congolese; it may, however, occasionally be found among West Africans resident in Brazzaville or Pointe Noire.

Section 6 Worker Rights

a. The Right of Association

The labor code adopted in March 1975 provides in theory for the right or workers to associate. In practice, given its historically active political role, the labor movement is scrutinized closely and controlled by the Government and party, largely through the umbrella union, the Congolese Trade Union Confederation (CSC), which is itself an appendage of the party. No group is allowed to form an independent, alternative union outside the party. As long as political subjects are avoided, there is a degree of democratic dialog within the labor movement and between the CSC and the Government.

The CSC unions are prohibited from striking, although wildcat strikes occur with relative impunity.

The CSC is affiliated with the Communist-controlled World Federation of Trade Unions (WFTU), but it is free to and does associate with other international and regional labor organizations. As a reflection of the Government's efforts to improve contacts with Western countries, the CSC leadership in 1988 proposed establishment of a bilateral relationship with the American Federation of Labor and Congress of Industrial Organization's (AFL/CIO) African American Labor Center (AALC). However, the AFL/CIO's policy against association with WFTU-affiliated unions has limited the contacts and prevented Congolese participation in AALC-sponsored activities.

Despite government assertions that the single trade union system results from the common will of the workers and from political, economic, and historical development, the International Labor Organization's (ILO) Committee of Experts again in 1989 noted that a trade union monopoly established by legislation is in violation of ILO Convention 87 on Freedom of

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Association, which the Congo has ratified, and has urged the Government to bring its legislation into conformity.

b. The Right to Organize and Bargain Collectively

The CSC is represented in every ministry and state-owned enterprise and serves on management boards along with a member of the Government and the party. Known as the "determinant trilogy," this structure is responsible for ensuring that the three major points of view are represented in the decisionmaking process and serves as Congo's form of collective bargaining in both the public and private sectors. While no alternatives to strikes exist, the local unions within the CSC have been able, in some instances, to persuade the Government to provide workers with increased benefits, including wage increases. The entire Congolese labor force is treated equally under the law; there are no exceptions such as those granted, for example, to export processing zones, of which the Congo has none.

c. Prohibition of Forced or Compulsory Labor

There were no reports of forced or compulsory labor, which is legally prohibited.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 16. Outside the Government and major employers, this minimum is often ignored, especially in small family enterprises or family farms in the subsistence agricultural sector.

e. Acceptable Conditions of Work

Working conditions for the 50 percent of the population in the modern sector are generally good and include a social security system. These conditions include a maximum 40-hour workweek, at least 1 day of rest per week, family benefits, severance pay, and medical care. The minimum monthly wage is \$85 for urban employees. Domestic workers must be paid at least \$75 monthly. Outside the Government, large corporations, and foreign enterprises, these minimums are often ignored. While many salaried Congolese have a rather high standard of working conditions and social benefits, the minimum wage does not provide a decent standard of living for a worker and his family. Workers at this wage level and many others in the informal sector are dependent upon the extended family, including other salaried family members, and some subsistence farming, in which most of the rural population is still engaged. There is a code of occupational safety and health, although it, too, is not rigidly enforced.

COTE D'IVOIRE

Power in Cote d'Ivoire is concentrated in the Democratic Party of Cote d'Ivoire (PDCI) and its long-time leader, President Felix Houphouet-Boigny, who is in his mid-to-late eighties. Although the freedom to form other parties is provided for in the Constitution, in practice no other party has been allowed to participate in the political process. Basic policies are set within the PDCI; the unicameral National Assembly has never publicly challenged a policy put forth by the party.

The Ministry of Internal Security includes the Surete Nationale and the gendarmerie, the national police, structured along French lines. The Surete has an arm tasked with intelligence gathering and counterespionage responsibilities. The gendarmerie is responsible for territorial security, especially in the rural areas.

During the 1980's Cote d'Ivoire has been squeezed by a heavy debt burden and falling prices for its exports, principally coffee, cocoa, and tropical woods, and per capita income has slipped in recent years from well over \$1,000 to \$740. In 1989 the economy continued to decline and the financial situation remained critical. A new International Monetary Fund and World Bank financial package was being assembled at the end of 1989.

In 1989 human rights remained circumscribed. The President continued to advocate dialog with dissenters in settling disputes, but it is unclear if this has eased the lingering threat of detentions and conscriptions, such as those which took place in 1988, and their stifling effect on critics, including students, teachers, and trade unionists. One businessman was widely believed to have been convicted on manufactured charges because of his connection with a well-known dissident. Other areas of human rights abridgement included restrictions on freedom of speech and press, academic freedom, and freedom of assembly and association; and limitations on women's and worker rights, and the right of citizens to change their government through democratic means.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or extrajudicial killings in 1989.

b. Disappearance

There were no reports of officially sanctioned abduction or disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits official violence without "legitimate justification." The Code does not, however, specifically mention or prohibit torture, or the level of violence officials may use if "justified." While there were no confirmed reports of torture in 1989, foreign Africans are routinely treated more roughly by police on arrest than are Ivoirians. This rough treatment is reported to include beatings, often with the objective of extracting a confession.

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d. Arbitrary Arrest, Detention, or Exile

The Constitution and pertinent statutes prohibit arbitrary arrest or imprisonment. The Government has, however, occasionally detained persons considered a threat to internal security. The Government has also used the threat of forced conscription, such as that which occurred in 1988, to discourage student and trade union efforts peacefully to oppose the Government or its policies. In 1988, 20 former officials or members of the Secondary Schoolteachers' Union were detained and conscripted into varying lengths of military service.

Under the Code of Penal Procedure, a public prosecutor can order the detention of a suspect for up to 48 hours without bringing charges. The Code dictates that further detention must be ordered by a magistrate who can authorize periods of up to 4 months, but who must also provide the Minister of Justice, on a monthly basis, with a written justification for continued detention. There have been unconfirmed reports that local police have held persons for more than 48 hours in a few cases. Bail is technically available but is not commonly provided. Defendants are not guaranteed the right to a judicial determination of the legality of their detention.

Some prominent critics of the Government have chosen to live and write in other countries (see Section 2.a.). Political exiles from a number of countries have found Cote d'Ivoire to be a hospitable safe haven.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The modern judicial system is headed by a Supreme Court and includes a Court of Appeals and lower courts. Although the judiciary is generally considered independent of the executive in practice as well as under the Constitution's separation of powers provisions, the judiciary follows the lead of the executive in cases concerning perceived national security issues. There have also been credible reports that the courts have given lenient treatment to individuals with personal connections to the Government. One businessman, Innocente Anaky, is widely believed to have been convicted of trumped-up charges of financial impropriety because of his connections to prominent dissident Laurent Gbagbo. Anaky is currently serving a lengthy prison sentence.

Defendants have the right to be present at their trials. Innocence is presumed, and defendants have the right of appeal, although in practice verdicts are rarely overturned. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys for indigent defendants. In practice, however, many defendants cannot afford private counsel, and court-appointed attorneys are not readily available.

Ivorian law establishes the right to a fair public trial. This provision is generally respected in urban areas. In rural areas, justice is often administered at the village level through traditional institutions which handle domestic disputes, minor land questions, and family law. Dispute resolution is by extended debate, with no known instances of resort to physical or similar punishment. These traditional courts are increasingly superseded by the formal judicial system.

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Civilians are not tried by military courts. There are no appellate courts within the military justice system. Persons convicted by a military tribunal occasionally request the Supreme Court to set aside the tribunal's verdict and order a retrial.

The number of political prisoners is unknown, but is believed to be small.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

All Ivoirians are considered to be members of the PDCI. Party regulations call for active participation in party activities and payments of dues, which are collected in most cases through deductions from paychecks. Most party regulations, however, are not strictly enforced, and Ivoirians who choose not to participate do not suffer retaliation.

The Code of Penal Procedure specifies that a police official or investigative magistrate may conduct searches of homes without a warrant if there is reason to believe there is evidence on the premises concerning a crime. The official must have the prosecutor's agreement to retain any objects seized in the search and is required to have witnesses to the search, which may not take place between the hours of 9 p.m. and 4 a.m. Legal safeguards against arbitrary searches are generally respected in urban areas, although there have been reports of police entering homes of foreign Africans, taking them to the local police station, and extorting small amounts of money for alleged minor offenses. Safeguards against arbitrary searches are also believed to be ignored on occasion in the countryside.

In 1988 there were some reports that armed members of the gendarmerie were directly involved in robberies of civilians, particularly on the highways. There were no such reports in 1989; however, there were continuing reports, difficult to substantiate, of police roundups of foreign Africans, also with the intention of extorting money. Private telephone conversations are monitored to some degree, although it is difficult to estimate the extent of such monitoring. There is no evidence that private correspondence is monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free expression in Cote d'Ivoire is provided for in the Constitution but significantly limited in practice. Public criticism of basic government policies, the party, or the President, rarely occurs. Critics of the Government express themselves in informal situations without fear of reprisal.

Government policy assigns the media a positive role in promoting national unity and development, allowing criticism of failures to execute policy but not criticism of the policies themselves. Investigative journalism is not permitted with respect to the Government and its policies. The Government operates radio, television, and a wire service, and owns majority shares in the two daily newspapers. There are also two weekly newsmagazines which are controlled by the party. All of these media follow government policies. Several periodic pamphlets are published privately.

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In April Vice President of the National Assembly Bamba was detained for carrying political tracts advocating a multiparty system. He was released and retains his elected position as Deputy in the National Assembly.

Academic freedom is restricted. A university professor, Pascal Kokora, was fired from his job in January 1988 after having his linguistics class compare Ivorian and foreign news reports of the trial of former Secondary Schoolteachers' Union officials. As no alternative work was available for him, he left the country after several months. This report last year indicated that Kokora was given his job back in September 1988; in fact, he was not reinstated and has once again left the country.

Laurent Gbagbo, generally considered to be Cote d'Ivoire's leading dissident, lived in voluntary exile in France from 1983 to 1988, when he returned and was given a job at the university. In his current position, Gbagbo is limited to research activities and publishing in scientific journals, and he is not allowed to have significant contact with students. In general, professors and students report that they are afraid to express antigovernment sentiments in any public forum.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution, but in practice is restricted when the Government perceives a significant and immediate danger to public order (which can include the expression of unwelcome political views). Gatherings occasionally are canceled to prevent the expression of controversial views in public forums. Only nonpolitical gatherings are permitted on campus.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There are no known impediments to religious expression. There is no dominant religion, and no faith is officially favored by the Government. The open practice of religion is permitted, and there are no restrictions on religious ceremonies or teaching.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government exercises minimal control over domestic travel but has increased internal security roadblocks for identity and customs checks. Persons stopped at such roadblocks are frequently harassed and "fined" for one minor infraction or another. In 1989, at one checkpoint in Abidjan, security forces slapped an American citizen and beat her French citizen husband without cause other than perceived verbal insolence. The army subsequently initiated an inquiry and suspended the corporal in charge of the patrol pending the inquiry's findings.

Although Professor Kokora initially had some problems obtaining a passport, Ivorians normally can travel abroad and emigrate freely. Ivorians have the right of voluntary repatriation. There are no known cases of revocation of citizenship.

Cote d'Ivoire's refugee and asylum practices are liberal. The country has resettled or granted safe haven to many refugees from many different countries. In 1989 approximately 800

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refugees, mostly Africans from neighboring countries, entered the country. While in Cote d'Ivoire, refugees receive 1-year, renewable resident visas for their first 5 years in the country, after which they may apply for permanent residence. Cote d'Ivoire does not take any significant responsibility for the economic and social welfare of refugees, who become the concern of private and international organizations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

While in theory the citizens of Cote d'Ivoire have the right to a multiparty system, in practice they are unable to change the one-party system of government. (The President recently restated his long-held position that Cote d'Ivoire is "not yet ripe" for a multiparty system.) No opposition groups exist openly, and the Government does not allow their formation. Within the PDCI, the President wields power through a 13-member Executive Committee, a 57-member Political Bureau, and a 208-member Steering Committee. Political power is concentrated in the President's hands, and most important decisions are made by the President himself. The 175-seat National Assembly confirms and ratifies legislative initiatives received from the President.

Within this strict one-party system, the Government continues to encourage more open participation in the political process by expanding the size of party institutions and by permitting more party members to compete in legislative, municipal, and local party elections. In 1989 an important mayoral race in San Pedro was hotly, and by all accounts fairly, contested.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is not a party to international human rights accords but has been cooperative in the past towards international inquiries into its human rights practices. It did not respond publicly to Amnesty International's appeals in 1988 on behalf of the Secondary Schoolteachers' Union, and it is thus not known what impact, if any, these appeals may have had on the Government's subsequent positive action.

In 1987 a group of Ivorians formed an internal Human Rights Association. The Government has repeatedly refused to recognize this association and has not allowed local journalists to attend the two press conferences it has held. Under these circumstances the group's ability to investigate and report on alleged human rights violations has been very limited.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no overt, official discrimination based on race, sex, religion, language, or social status. Although French is the official language and the language of instruction in the schools, radio and television broadcasts are provided in major local languages. Social and economic mobility are not limited by policy or custom.

Males clearly play the preponderant role overall, although some Ivorian traditional societies accord women considerable political and economic power. Nonetheless, in rural areas

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tribal customs dictate that menial tasks are performed mostly by women. Although PDCI policy is to encourage full participation by women in social and economic life, there is considerable informal resistance among employers to hiring women, who may be considered "undependable" by virtue of potential pregnancy.

Female genital mutilation (i.e., clitorectomy) is widely practiced in Cote d'Ivoire, particularly among the rural Muslim population in the north and west. The operation, which takes place at puberty as one element of a rite of passage, is generally performed outside modern medical facilities. Clitoral excision is illegal in Cote d'Ivoire, but the Government does not make strong efforts to prevent the practice, and social pressures are sufficiently strong that it persists, particularly in small villages where the tribal chief is the primary decisionmaker. Excision is becoming less frequent as the population becomes better educated.

Violence against women, especially wife beating, is neither widely practiced nor tacitly condoned. However, representatives of womens' organizations state that wife beating does occur, often leading to divorce. Doctors state that they rarely see the victims of domestic violence. A severe social stigma is attached to domestic violence of any kind; neighbors will often intervene in a domestic quarrel to protect an individual who is the object of physical abuse. The courts and police view domestic violence as a family problem unless serious bodily harm is inflicted, in which case criminal proceedings do take place. The Government has no clear-cut policy regarding wife beating beyond the obvious strictures against violence in the Civil Code.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form unions under the Labor Code of 1964, but almost all unions are organized within a single government-sponsored labor confederation, the General Union of Cote d'Ivoire Workers (UGTCI). Only the University Teachers' Union is independent of the confederation.

The leader of the UGTCI occupies a senior position in the party hierarchy. Union membership is encouraged but not mandatory. The UGTCI is a relatively passive coordination mechanism rather than an active force for worker rights, although it has had some success in improving working conditions and safety standards. The UGTCI represents approximately one-third to one-half of the organizable work force.

The right to strike is protected by statute, but in practice strikes are rarely authorized by the UGTCI. There were no official strikes in 1988, although there were several "work stoppages." For example, workers in a factory near the capital stopped work to protest a management plan to reorder production. In this case, as usually happens, the Government stepped in to mediate. In 1989 reliable sources suggested that some wildcat strikes occurred without receiving publicity or being officially acknowledged.

Generally, the Government negotiates with strikers and resolves at least some of their economic grievances. In the 1987-1988 dispute with the secondary schoolteachers, the Government used a variety of powers to coerce the teachers back to their jobs.

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This included arrest and detention of 20 of them and conscription of several men into military service. There were no reports that professional groups experienced persecution or harassment in 1989.

The UGTCI formally prohibits its individual trade unions from forming or maintaining affiliations with international professional organizations in their fields, with the exception of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

In theory, collective bargaining is protected by the Labor Code. In practice, however, only the UGTCI is allowed to engage in collective bargaining with individual companies. The UGTCI has representatives in every major business enterprise, and the UGTCI Secretariat often plays a mediation or conciliation role in relations between labor and management in individual businesses. There are no export processing zones in Cote d'Ivoire, although there is some discussion about creating such zones in the future. Labor legislation, to the extent it is applied, is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There have been no reports of forced labor in Cote d'Ivoire, and it is prohibited by law.

d. Minimum Age for Employment of Children

In most instances, the legal working minimum age of 16 is enforced among government employees and among large multinational companies. However, children often work on family farms, and in Abidjan some children routinely act as vendors of consumer goods in the informal sector. There are also reports of children working in what could be described as sweatshop conditions in small workshops. Many children leave the formal school system at an early age; lower grade education is mandatory but far from universally enforced, particularly in the rural areas.

e. Acceptable Conditions of Work

The Government enforces a comprehensive labor code governing the terms and conditions of service for wage earners and salaried workers and providing for occupational safety and health standards. Those employed in the modern sector are reasonably protected against unjust compensation, excessive hours, and capricious discharge from employment. The standard workweek is 44 hours. Minimum wages vary according to occupation, with the lowest being approximately \$110 per month. This does not provide a decent standard of living for a worker and his family. Government medical insurance and retirement programs provide an element of income security for salaried employees in the modern sector. Month-long paid vacations and a substantial severance pay are also guaranteed. There is, however, a large informal sector of the economy, involving both urban and especially rural workers, in which many of these occupational regulations are enforced erratically at best.

DJIBOUTI

Djibouti is a one-party state ruled since independence in 1977 by President Hassan Gouled Aptidon and his People's Assembly for Progress (RPP) which has been the only lawful political party since 1981. Public life in Djibouti is dominated by two ethnic groups, the politically predominant Issa (the tribe of the President) and the largest single tribe, the Afar. The presidency is considered to be reserved for an Issa and the prime ministry for an Afar. Real authority in the Government, civil service, party, and armed forces is in Issa hands.

Djibouti's security services, all under government control, include an army of about 3,500 total personnel (primarily ground forces with small naval and air units), and three national police forces: the National Security Force and the National Police, both under the Ministry of the Interior, and the Gendarmerie, under the Ministry of Defense, which has been involved in human rights violations. France guarantees Djibouti's external security and maintains a force of about 3,800 military and naval personnel in Djibouti.

Djibouti's narrowly based fledgling economy depends almost entirely on services to its (mostly French) 10,000 expatriate residents and operation of the seaport, airport, and Djibouti-Addis Ababa railroad. Although the State is the largest employer, individuals are free to pursue private business interests and to hold personal and real property.

Human rights in Djibouti remained tightly circumscribed in 1989. Areas of concern included: the continued denial of political pluralism, in particular the domination of the Government and single legal political party by the Issa tribe; restrictions on freedoms of speech, press, and assembly; refusal to recognize the refugee rights of Somali nationals fleeing the Somali civil war; incidents of arbitrary arrest, detention, and deportation; and allegations of the use of torture by the security services.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There was no politically motivated killing, but at least one person died while in official custody. This occurred after the authorities, in the city of Tadjourah in June, arrested five persons who protested the method of distribution of emergency relief food aid. A young Afar man died under unexplained circumstances in a hospital while in police custody (see Section 1.c.).

b. Disappearance

There was no disappearance of persons for political reasons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

According to credible reports, in 1989 branches of the Gendarmerie in particular carried out brutal interrogations of some detainees (including Somali refugees), which included beatings and other physical abuse, and there were allegations

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of methodical torture of detainees in isolated cases. The death in a hospital of a young Afar man while under Gendarmerie custody in the spring sparked renewed public allegations of torture by the security authorities. The Government did not comment publicly on this incident.

d. Arbitrary Arrest, Detention, or Exile

By law, a person may be detained no more than 48 hours without an examining magistrate's formal charge. In practice, this deadline is ignored in cases of political interest. An accused has the right to legal counsel, which is provided by the State, if the accused is destitute. An accused person awaiting trial may, by a judge's order, be released on bail or on personal recognizance, or be jailed pending the final verdict.

The Director of a prominent U.S. human rights organization was detained in 1989 for 4 days without charge, while undertaking to ascertain the situation of Somali refugees (see Section 2.d.).

e. Denial of Fair Public Trial

Djibouti's legal system is a mixture of Djiboutian legislation and executive decrees, French codified law adopted at independence, Shari'a (Islamic religious law), and traditions of the native nomadic peoples. Crimes in urban areas are dealt with according to French-inspired law and judicial practice in the regular courts. Civil actions may be brought under either French-inspired law in the regular courts or in the context of tribal customs in the traditional court. Shari'a courts handle only family matters such as marriage, divorce, child custody, and inheritance. Decisions of all three courts may be appealed to an appeals court of the same system. Appellate decisions of all three court systems may be appealed to the country's Supreme Court.

The Tunisian national charged with the fatal 1987 terrorist bombing of an outdoor cafe remained in prison awaiting trial at the end of 1989.

A special State Security Court may hear in closed session cases of espionage, treason, and acts threatening the public order or the "interest of the Republic." This Court last convened in 1986.

Proceedings in all courts except the State Security Court are open to the public. The judiciary appears to be generally sympathetic to the government position and susceptible to government influence in cases of political interest.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reported incidents of arbitrary interference with privacy, family, home, or correspondence in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are restricted. Those who express public views that are critical of, or perceived as threatening to, the

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Government face prosecution for common crimes or detention for days or weeks without charge.

Djibouti's radio and television stations and one newspaper (a French-language weekly) are all government owned and operated. All media personnel are civil servants. The Government's avowed policy is to coordinate the dissemination of all information in the interest of national development. The news media do report on social and national development problems within Djibouti, but the Government itself, its policies, and those of neighboring governments are free from criticism. The media largely avoid reporting on domestic politics and ethnic strife in Djibouti, Ethiopia, and Somalia.

The editor-in-chief of the newspaper was removed from office in April 1989 (and later reassigned to another ministry) after publication of articles unflattering to the Government of France. In addition, a journalist was arrested, held for 3 weeks, and subsequently dismissed from his job in connection with the distribution of antigovernment tracts in Tadjourah.

As a rule, the Government does not censor or forbid the importation of books and newspapers, but in 1989 the Government banned importation of the book "The Satanic Verses."

b. Freedom of Peaceful Assembly and Association

The Government effectively bans political protest by selective enforcement of public assembly permit laws and by detention of persons without charge. (Detainees in such cases are usually released with no ill-treatment within a matter of days, though often not within the legally mandated 48-hour period within which charges must be filed.) In 1989 public demonstrations in protest of the death of the Afar held in custody in Tadjourah resulted in the arrests of about 25 persons, of whom 11 were sentenced to 6 months in prison for unauthorized demonstration against the authority of the State.

Permits for political meetings are not issued outside party auspices; it appears that permits for such purposes are sought only rarely. Peaceful assembly and association for nonpolitical purposes are routinely permitted.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Djibouti respects freedom of religion for all faiths. Virtually the entire population is Sunni Muslim. The holy days of Islam are legal holidays. The Government and all private offices observe Islam's month of Ramadan with a shortened workday. However, the Government imposes no sanctions on those who choose to ignore Islamic teachings on diet, alcohol consumption, religious fasting, etc.

The expatriate community supports Roman Catholic, French Protestant, Greek Orthodox, and Ethiopian Orthodox churches. Less than 1 percent of the population belong to these Christian congregations. Foreign clergy and missionaries may perform charitable works, but proselytization is a sensitive issue and, while not illegal, is strongly discouraged.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Djiboutians travel freely within Djibouti and may live and work where they choose. In 1989 the police increased document checkpoints aimed at controlling crime and especially the influx of illegal aliens and refugees from neighboring Ethiopia and Somalia. Djiboutians leave for, and return from, international travel without restriction or interference. Passports are available to all Djiboutians but are invalid for travel to Israel and South Africa.

Djibouti cooperates with the United Nations High Commissioner for Refugees (UNHCR) to assist and protect the approximately 1,500 registered Ethiopian refugees in Djibouti city. As a matter of policy, however, the Government does not recognize as refugees the approximately 30,000 Somali nationals who have fled the Somali civil war.

Although the Government has an informal agreement with the UNHCR that these refugees will not be forcibly repatriated if they do not "cause trouble," the UNHCR in fact has limited ability to extend protection to these individuals. The police routinely conduct sweeps of people thought to be illegal aliens, and some Somali refugees have been deported as a result. Africa Watch's October 1989 report indicates that many refugees may have perished during the forced repatriation in June of 125 people into an isolated area of Somalia. One refugee reported that they were pushed across the border into Somalia without shoes, water, or food. To avoid the heat they walked during the night. At least 4 of his group of 20 reportedly died of thirst during the trek.

Djibouti's treatment of Somali refugees came in for serious criticism from international human rights organizations, particularly over several instances of expulsion of Somali refugees into northern Somalia. Amnesty International (AI) in December 1988 and Africa Watch in December 1989 appealed to the Government to ensure that no refugees would be forced to return to their country of origin or coerced, ill-treated, or arrested if they opposed repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Djiboutians have neither the right nor the ability peacefully to change their government. The Issa-dominated People's Assembly for Progress (RPP) jealously guards its position as Djibouti's only political party, a status it has enjoyed since the Afar-dominated Djiboutian People's Movement (MPD) was outlawed in 1981. The party chooses the candidates for the presidency and the 65-member National Assembly, a legislative body with no real power. Presidential elections are held every 7 years, and elections for the National Assembly every 5 years. Citizens are encouraged to vote, but their only choice is whether to cast a ballot for or against the party's candidates. The two different ballots must be cast in different boxes, making it obvious who votes against the party.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been responsive in recent years to inquiries concerning human rights practices, but it has taken

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no action to resolve the problems addressed by AI's and Africa Watch's appeals on treatment of refugees. There are no private human rights organizations in Djibouti.

The Government speaks out about human rights practices in the Israeli-administered territories and in the Republic of South Africa but is silent about human rights violations in Djibouti and in neighboring Ethiopia and Somalia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The dominant status of the Issa in the party, the civil service, and the military is maintained by de facto discrimination based on tribe and language against the Afar, and discrimination based on tribe against the Isaak and Gadaboursi.

Women in Djibouti legally possess full civil rights but are traditionally secondary to men in public life, and generally live within the constraints of Shari'a law. Women are active in small trade; and many women are employed in offices and stores, mostly as clerks and secretaries. There are women, though only a few, in the professions (the judiciary, medicine, teaching) and in the military and the police.

According to medical personnel, violence against women--including rape and wife beating--appears to occur relatively infrequently in Djibouti. Moreover, most domestic and community violence is considered a family or tribal matter, is dealt with accordingly, and is rarely brought to the attention of authorities. The police and courts are almost never involved. As a result, it has not become a public or government issue, but the party-affiliated Djiboutian National Women's Union (DNWU) in November 1988 began a government-supported campaign against female circumcision. Progress in the campaign has been slow, however, particularly in the northern districts, where nomadic traditions of genital mutilation of young girls (e.g., clitoral excision and infibulation) are widely practiced.

Section 6 Worker Rights

a. The Right of Association

Labor unions play a minimal role in Djibouti. Workers are free to join or not to join unions as they choose. There are 30 individual labor unions in Djibouti, many of which represent employees of only one private or state-owned corporation. Only a small percentage of Djiboutian workers are union members. The Government exerts control over individual unions through Djibouti's sole government-organized labor central, the General Union of Djiboutian Workers (UGTD). Key labor positions in the UGTD are held by persons sympathetic to management.

Workers are free to strike, but in practice most labor action is limited to short, wildcat protests.

The UGTD is affiliated with Africa's continent-wide official trade union body, the Organization of African Trade Union Unity. Unions are free to maintain relations and exchange programs with unions and labor organizations in other countries. A representative of the American Federation of Labor and Congress of Industrial Organizations's

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African-American Labor Center led a seminar in Djibouti on union administration in February.

b. The Right to Organize and Bargain Collectively

The law recognizes labor's right to organize and bargain collectively. In practice, formal collective bargaining virtually does not exist; relations between workers and employers are informal and paternalistic. On questions of wages and health and safety conditions, the Ministry of Labor encourages direct, ad hoc resolution by labor representatives and employers. Either workers or employers may initiate a formal administrative hearing at which the Labor Inspection Service of the Ministry of Labor mediates. Wages are set by employers in consultation with the Ministry of Labor to assure adherence to mandatory minimum wage regulations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Prohibited by law, there is neither forced nor compulsory labor in Djibouti.

d. Minimum Age for Employment of Children

The legal minimum age of 14 years for employment is respected in practice. Children may and do work in family-owned businesses such as restaurants and small shops, including at night. Children are not employed under hazardous conditions.

e. Acceptable Conditions of Work

Minimum wage rates are specified by government regulations and by categories of workers and are enforced by the Ministry of Labor. Increased last in 1976, minimum wages begin at less than \$80 a month for unskilled laborers and reach nearly \$1,400 a month for "directors" and medical doctors. The minimum wage in most cases does not provide a decent living for a worker and his family. However, many workers also receive housing or housing allowances and transportation and food allowances. Mandatory seniority bonuses range from 4 percent of the worker's basic salary after 2 years of service to a maximum 52 percent after 26 years of service.

The legislated maximum workweek is 40 hours, often spread over a 6-day workweek. Overtime pay regulations apply to additional work. Workers are guaranteed daily and weekly rest periods and paid annual vacations. The Ministry of Labor enforces occupational health and safety, work hours, and wages regulations through inspection, dispute mediation, and administrative judgment by the labor inspection service. These regulations are vigorously enforced.

EQUATORIAL GUINEA

The present leadership of Equatorial Guinea took power in 1979, establishing a military Government after overthrowing the tyrannical dictatorship of Francisco Macias Nguema, which had caused the murder or exile of one-third of the country's population. In 1982 the national Constitution was adopted, national and local assemblies were chosen, and the Government was officially declared to be civilian. The Government has been headed since the coup by President Obiang Nguema Mbasogo, who was reelected (as the sole candidate) in August 1989 for a 7-year term. Obiang established in 1986 the country's sole legal political party, the Democratic Party of Equatorial Guinea (DPEG). The party, made up mostly of Fang tribe members from Rio Muni, the continental province of the country, controls the Government without viable opposition.

Police and internal security forces are responsible for the preservation of public order. They are augmented by the 300- to 500-man presidential guard unit provided by Morocco. The majority of human rights abuses has historically been caused by the civilian police and internal security forces.

Equatorial Guinea is one of the poorest nations in the world. Most of the population (an estimated 350,000, a figure rejected by the Government of Equatorial Guinea as too low) live by subsistence agriculture, fishing, and hunting, with per capita annual income approximately \$300. The small wage economy, based on cocoa, lumber, and coffee, was devastated by the death or exodus of thousands of trained and educated citizens during the Macias years. Recent years have seen the emergence of a very small middle class. The country's recent inclusion in the West Africa franc currency zone has helped create greater fiscal integrity and an improved investment climate. Foreign aid is crucial to development, and Equatorial Guinea receives substantial assistance, with Spain, the previous colonial power, and France as the key donors. In 1989 France, Spain, and the Soviet Union announced that they would forgive portions of the country's debts.

Despite modest progress in the economic sphere and in human rights, political rights of all kinds, including speech and assembly, continued to be tightly restricted in Equatorial Guinea in 1989. Police brutality remained a significant problem, although reports of harsh treatment of illegal foreign workers declined. On occasion the President intervened personally to resolve cases involving human rights, most recently in October when senior police officers were convicted of using excessive force against detainees, including a World Bank contractor. The Government sought advice and technical assistance from Western countries on improving the prisons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No such killings were reported in 1989.

b. Disappearance

There were no known disappearances in 1989.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In its public statements, the Government appeared to make a serious commitment to reduce the use of torture and other cruel treatment in 1989. However, harsh and abusive police interrogation and punishment methods continued in 1989, notably in two well-documented cases of abuse. In February several Equatoguineans who had broken into an expatriate's home were arrested and tortured by police for several days. When they gave the police the names of their accomplices, the latter were subsequently tortured also. The methods of physical torture used against these men included beatings, electric shock, and binding of limbs.

In a second case in September, a British subject on contract with the World Bank accompanied several Equatoguinean friends to the police station when the latter were taken in for disorderly conduct. When he protested to the police about the four female companions being tied up and bludgeoned on the feet, the police commissioner had him tied up and severely beaten in the same manner. When the international community registered strong complaints, the Presidency apologized for the incident. In mid-October, after a public trial, the police officers responsible were convicted and sentenced to several months in prison to be followed by assignment to lower ranking positions. However, at the end of the year, one of the officers was not in prison but rather under house arrest. It was unclear whether the sentence had been carried out against the other officer.

In contrast to the past, there were few reports in 1989 of arbitrary police beatings of illegal Nigerian, Cameroonian, or Ghanaian workers.

Prison conditions continue to be extremely harsh, with basic amenities unavailable. In 1989 the Government expressed an interest in improving jail conditions and in arranging training for police personnel, and expressed willingness to invite international organizations to inspect prison conditions.

d. Arbitrary Arrest, Detention, or Exile

Despite constitutional provisions, there was little enforcement of the rights of a person in detention to be charged or released within a certain period of time, to have access to a lawyer, or to be released on bail. Arbitrary arrests by security forces or police have been commonplace, often on spurious charges in order to extort money. Many detainees are held incommunicado.

The number of political detainees held at the end of 1989 was not known.

In 1989 there were no known cases of persons being exiled for political reasons. There are a number of political exiles in Spain. In 1988 Jose Luis Jones Dougan, the leader of an opposition party in exile, returned and was arrested 2 months later. He was subsequently sentenced to a long prison term but apparently in December 1988 was released and permitted to return to Spain. According to Amnesty International's 1989 Report, Dougan's efforts to gain recognition for his political party were apparently considered to constitute a form of treason. Another returned exile, Jose Primo Esono Mica, was

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arrested and convicted with Dougan in 1988. Esono Mica's 30-year sentence was subsequently reduced to 15 years.

e. Denial of Fair Public Trial

There is a formal court structure, with the Supreme Court at the apex, and also military and customary (tribal) court systems. Tribal laws and customs are honored in the formal court system when not in conflict with national law. The tribunal provided for in the Constitution to decide constitutional issues has never been established. Under the Constitution, military tribunals hear all capital cases (civilian and military). The death penalty has not been carried out for several years. There is no separation between the executive and the judiciary, and Supreme Court justices serve at the pleasure of the President.

There was no progress in 1989 in efforts to reform the legal system. The nation's mixture of traditional (tribal) law, military law, and Spanish rules and procedures combine to produce an inconsistent system of justice. There is no concept of due process, and appellate proceedings are nonexistent; the executive branch acts with little respect or understanding for judicial independence. Laws are frequently enacted by decree without any public announcement, excepting an occasional brief mention on government radio. Defendants who are unable to afford legal counsel stand little chance of acquittal. The fact that few lawyers (approximately 20) in the country depend on their connections to the Government raises questions about the impartiality of the defense their clients might receive. Unless represented by counsel, those arrested in Equatorial Guinea usually have no way of knowing if the offense they have been charged with is bona fide.

The Government in 1989 continued to maintain that it holds no political prisoners. However, several persons, including Esono Mica, remained in prison at the end of 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were fewer reports in 1989 of arbitrary interference with privacy, including pressures by authorities to join the sole political party and to participate in "spontaneous" government-sanctioned celebrations. Persons deemed suspicious are sometimes placed under surveillance, and there is a general belief that telephone conversations are monitored routinely, although correspondence remained sacrosanct. Search warrants are not normally used, even though they are required by the Constitution.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Open public criticism of the Government is not tolerated. In the past, the press has consisted of sporadic government bulletins. In late 1989, the first regular printing of a newspaper was started, initiated by the Spanish Government. While criticism of the Government did not appear in the paper, it highlighted the need for a more open forum, one less focused on government statements.

Both the television and radio stations are government entities, whose broadcasting is almost solely government

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propaganda. Nevertheless, entertainment programming, including relatively recent movies and American television shows dubbed in Spanish, appeared in 1989. There was discussion early in the year of the Government establishing a film censorship board to reduce the number of violent movies from the West being shown. Radio propaganda was somewhat reduced in 1989 to accommodate African and American pop music. The Government strictly controls the publication, importation, and distribution of articles critical of the Government.

b. Freedom of Peaceful Assembly and Association

Despite constitutional provisions guaranteeing these freedoms, the Government's firm position is that opposition political organizations and assemblies will not be tolerated. Private nonpolitical groups, such as professional organizations, churches, and sports groups require government approval.

c. Freedom of Religion

With one exception, freedom of religion was generally respected. Jehovah's Witnesses, originally banned from the country in 1985, and harassed in 1986 and 1987, are still prohibited. Foreign clergy and missionaries continue to play an active role in educational development, and all denominations are allowed to participate in charitable as well as religious activities. Christianity, mainly Catholicism, is the predominant religion. In general, active proselytizing by Protestant denominations is discouraged, but conversions are permitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There were no explicit restrictions on travel within the country. There are restrictions on travel abroad, including lengthy delays in obtaining passports. Many Equatoguineans leave the country without formal documentation for both economic and political reasons. A large number reside in Spain, France, Cameroon, and Gabon. While third-country African workers sometimes must resort to bribery to obtain legal registration, even the formerly enslaved Nigerians enjoyed virtual freedom to work and travel in 1989. With regard to repatriation, President Obiang in 1989 told the Equatoguinean expatriate community, many of whom had voiced fear of repression, that they were welcome to return to the country without any restrictions. Few returned in 1989 since they enjoy a higher standard of living abroad than they would in Equatorial Guinea. Also, the treatment of several political exiles in 1988 underscored the Government's determination to prevent any political role for persons with views in opposition to the Government's (see Section 1.d.).

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of Equatorial Guinea do not have the right to change their government by democratic means. President Obiang was reelected President in 1989 as the sole legal candidate. Cristino Seriche Bioko, a Bubi, has held the office of Prime Minister since 1982. Following the recent presidential elections, Seriche was given the responsibility for coordinating the administration of about half the government ministries. Only members of the DPEG may hold public office,

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and the party controls the selection of all candidates. It is uncertain whether all adults must pay party dues; in 1989 it appeared that only government employees and employees of large business establishments, i.e., those in the wage economy, must do so.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In 1989 the Government showed greater willingness to interact with international human rights organizations. The Government publicly expressed the need to end human rights abuses. As far as is known, the Government, after permitting an Amnesty International (AI) mission to visit in 1988, did not respond to AI's memorandum of November 1988 concerning unfair military trials.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although the law calls for equal treatment for all, tribal groups are not always granted the same rights and privileges. The Fang clans, of which President Obiang is a member, dominate all aspects of government, the military, and social life. Discrimination against the Bubi, Fernandino, and Playero clans is consistent, whether in the granting of political office or the approval of academic scholarships.

Women are confined largely to traditional roles, especially in agriculture. A large majority of the population is polygynous, and this has also contributed to the secondary status in society given to women. Educational opportunities are extremely limited for women. According to doctors in hospitals, violence against women is not widespread, and abuse of children is equally rare. The Government has not addressed violence as an issue; it looks to the Ministry for the Promotion of Women to advance the interests of women in Equatoguinean society. According to the medical community, female circumcision is not practiced in Equatorial Guinea.

Section 6 Worker Rights

a. The Right of Association

Equatoguineans do not have the right of free association. In the small wage economy, no labor organizations exist, although there are a few cooperatives with limited power. Strikes are prohibited by law. Equatorial Guinea has been a member of the International Labor Organization since 1981 but has ratified neither Convention 87 on Freedom of Association nor Convention 98 on the Right to Organize and Collective Bargaining.

b. The Right to Organize and Bargain Collectively

Equatorial Guinea has no legislation regarding these rights, and there is no evidence of collective bargaining by any group. There are no export processing or free trade zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor and slavery are prohibited by law. During 1989 no cases of forced or compulsory labor were reported. While work roundups used to be routinely organized against third-

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country Africans, forced labor of this type was restricted in 1989.

d. Minimum Age for Employment of Children

The legal minimum age for employment is 16, but there is no enforcement of this law. As in most of Africa, children at a much earlier age assist families with traditional agricultural production and sales.

e. Acceptable Conditions of Work

There is only a small industrial sector in the country. Most salaried employment is provided by the Government, construction companies, businesses providing retail goods and services, and the plantation agricultural sector. In 1989 Equatorial Guinea had a statutory minimum wage of approximately \$35 per month, which was not adequate to provide a decent living for a worker and family. The average monthly wage was about \$70 for the small percentage of the population that had regular salaried employment, most of whom were required to supplement this income with other income or farming in order to provide a decent living for themselves and their families. By law, working conditions included a maximum 48 hours workweek with a full day of rest each week plus regularly scheduled national holidays. Occupational health and safety standards do not exist. There was no effective monitoring of work hours or labor conditions outside the Government.

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The People's Democratic Republic of Ethiopia is a self-proclaimed Marxist state headed by President Mengistu Haile-Mariam, who came to power in 1977 following political infighting for leadership of the 1974 revolution which unseated Emperor Haile Selassie. A new Constitution in 1987 created new organs of government: a Council of State, a Council of Ministers, and a Parliament (the Shengo). The most powerful institution in the country, however, is the Marxist-Leninist Workers' Party of Ethiopia (WPE). Despite the trappings of representative government, power remains in the hands of President Mengistu, who is Chief of State, General Secretary of the WPE, and Commander-in-Chief of the Armed Forces. Ethiopia is in a state of civil war, with the regime seriously challenged by armed, active insurgencies which during 1989 moved beyond regional borders.

Ethiopia's armed forces are the largest in sub-Saharan Africa, numbering between 250,000 and 275,000. Cuban troops withdrew in September after a 12-year presence. An extensive security apparatus under the Ministry of Internal Affairs attempts to control the population through a combination of surveillance and informers. The Government justifies these security measures and the size of its defense expenditures (estimated at 60 percent of the government budget) on the basis of external threats and internal insurrections. Military setbacks in 1988 and 1989 compelled the Government to seek diplomatic rapprochement with its neighbors and to try to negotiate settlements with some internal opponents, most notably with the Eritrean People's Liberation Front (EPLF), through the good offices of former U.S. President Carter, and with the Tigray People's Liberation Front (TPLF), under Italian auspices.

The Ethiopian economy is based on agriculture, which contributes 45 percent to the gross national product and more than 80 percent of exports and employs 85 percent of the population. Although the Government promotes the formation of collectives and cooperatives, peasant farms still account for about 93 percent of crop production, state farms for about 6 percent, and producers' cooperatives 1 percent. The major agricultural export crop is coffee, providing 65 to 75 percent of foreign exchange earnings. In 1988 the controversial forced "resettlement" program of moving people vast distances to unpopulated areas was suspended for lack of funds, but the mandatory "villagization" program to move families into villages in the same area continued in 1989, with no reports of accompanying violence. Periodic drought and famine, the Government's war effort, and Socialist economic policies have made Ethiopia the world's poorest country, according to the World Bank.

In 1989 the overall human rights situation in Ethiopia remained generally deplorable. Major concerns included: widespread abuses such as summary executions by all parties to Ethiopia's civil strife; the use of torture as an accepted practice in interrogation; arbitrary, incommunicado detentions; the lack of fair public trials; serious restrictions on freedom of speech and press, assembly and association, and the right of citizens to change their government; and limitations on women's and worker rights. In May there was a coup attempt by the military leaders in which atrocities were committed on both sides. However, in September the Government announced the release of remaining

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members of the royal family and 84 other political prisoners. The Government has shown new tolerance of religious organizations and activities, including unacknowledged emigration of Ethiopian Jews as part of improved relations with Israel. While emigration remains restricted, the Government issued passports in unprecedented numbers. It allowed relief groups relative freedom in pursuing humanitarian concerns.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The May coup attempt resulted directly from military disenchantment with the regime and followed the loss of the Tigray region to insurgents in February. The attempted coup resulted in the executions of an unknown number of generals--one estimate stated 38 senior officers were executed--and other senior military officials and in the imprisonment of nearly 200 others. Atrocities occurred on both sides, with coup plotters murdering the Minister of Defense, and loyalists killing rebellious generals. In December the trial of the 14 most senior officers arrested in the aftermath of the coup attempt began.

As a consequence of military setbacks in Tigray, the Government resorted to the forced conscription of youths in their early teens in April and May, which fed public discontent at the time of the coup. After new military reverses in the autumn, the Government launched a particularly brutal conscription campaign in November. Some youths who resisted conscription were shot. Reports also surfaced in 1989 that guards used lethal force against children demonstrating at a government-run orphanage in November 1988, resulting in four deaths. The guards responsible for the deaths were arrested and charged. The results of this case remain unknown.

Security forces used excessive force following the coup attempt to quash student demonstrations, reportedly killing two students (see Section 2.b.).

b. Disappearance

There were no reports during 1989 of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1987 Constitution notably omits a passage from the 1955 constitution prohibiting cruel and inhuman punishment. Torture has been used against members of most opposition groups, including the EPLF, the TPLF, and the Oromo Liberation Front (OLF).

Political prisoners are initially taken to central investigation centers operated by the Ministry of Internal Affairs, such as the central prison and the notorious "Third Police Station" in Addis Ababa or the Mariam Gimki Center in Asmara. Interrogation is often combined with physical abuse, especially for those suspected of affiliation with an opposition or insurgent group. Common methods of torture include beating on the soles of the feet, suspension from a

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rope in a contorted position, death threats, mock executions, sleep deprivation, and submergence to the point of unconsciousness in tanks of water.

Following the May coup attempt, Addis Ababa's political detention centers were reportedly the sites of torture, as was the basement of the Menelik (or Grand) Palace. Ethiopian television showed film footage of the mutilated body of one of the coup plotters. Additionally, both sides desecrated the corpses of generals involved in the attempt. Coup sympathizers reportedly exhumed the body of the murdered Minister of Defense, dismembered it, and left the remains in a ditch. On the other side, loyalists in northern Ethiopia beheaded the corpse of General Demissie Bulto (a coup sympathizer and former commander of the Second Army) and paraded the head through the streets of Asmara.

d. Arbitrary Arrest, Detention, or Exile

The 1987 Constitution provides for arraignment in court within 48 hours, arrest warrants, a fair trial, protection against self-incrimination, and the right to counsel; however, Ethiopians suspected of antigovernment actions or sentiments continue to be subject to arrest or detention by the police without charge or judicial review. In politically sensitive arrests, the Government generally prefers to operate in secret, taking the suspect from home at night.

Reports of arrests and detentions following the May coup attempt attest to the fact that these practices continued in 1989. Additionally, family members of some alleged coup participants were arrested in broad daylight in a surprise move by authorities reacting to public rumors that arrests would only happen at night. Treatment of officers arrested in the coup attempt reportedly improved substantially by the end of 1989.

On September 2, the Government released 87 prominent political prisoners, some of whom had "disappeared" in previous years. These prisoners were part of a larger amnesty on the eve of the Ethiopian New Year. In addition to the release of three grandsons of former Emperor Haile Selassie, the release included former Ambassador to Canada and Permanent U.N. Representative Berhanu Dinka, who "disappeared" in 1986, and long-missing members of political movements who fell out of favor with the Government during the turbulent late 1970's.

In the wake of the amnesty, Ethiopia's remaining political detainees are estimated at between 400 and 500. At least 17 members of the EPLF, TPLF, OLF, and other groups are held in two prisons in the Addis Ababa area. As in the past, sketchy information, especially as regards the situation in northern Ethiopia, prevents accurate estimates of the total number of opposition group members remaining in prison.

A state of emergency declared in 1988 remains in effect in Eritrea and Tigray. Under it, security forces are empowered to stop, detain, and hold indefinitely without court or prosecutor's warrant, any person who has violated or is suspected of having violated the special emergency decree or who in any manner disturbs law and order within the emergency areas.

An unspecified number of refugees from the Somali camps at Aware in eastern Ethiopia were arrested for selling food

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ration coupons. At year's end, they were being held without trial by local Ethiopian authorities.

In Eritrea, 60 EPLF members took advantage of a government amnesty offer and surrendered for reeducation and reintegration into society. Voluntary repatriation, however, has not greatly reduced the number of Ethiopians who remain in exile, unable to return to Ethiopia for fear of persecution. As many as 1 million Ethiopians are believed to have taken up refuge in neighboring countries.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Ethiopia's judicial system remains bifurcated in practice if not in theory. While nonpolitical civil and criminal offenders are usually granted fair public trial, military and political cases are subject to official manipulation and executive meddling. The definition of what constitutes a "political" case is sometimes farfetched and usually relates to the Government's preoccupation with internal security.

The Supreme Court is at the apex of the judicial system. Other judicial bodies include a newly announced Supreme Court Council, a Worker's Control Committee, and military courts in contested areas. Kebeles (urban neighborhood organizations controlled by the WPE) have since the 1974 revolution been the primary local units of judicial decisionmaking and law enforcement. Their work has been marked by arbitrariness and a failure to follow procedures that would ensure the right to a fair trial supposedly guaranteed by the 1987 Constitution.

When the Ministry of Internal Affairs allows political trials to take place, they are almost always held in secret, with only the verdict (if even that) publicly announced. Even prisoners cleared of charges or whose terms have been completed may not be promptly released from prison. Some of the most senior officers detained after the coup attempt were arraigned in December before a military tribunal in public session attended by local and foreign journalists. While this does not by itself guarantee a fair trial, it is at least less arbitrary than prior practices.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The 1987 Constitution provides for the "inviolability of the house" and protects against unlawful entry into private homes. In practice, warrants are not used for searches of offices or private homes. In Eritrea and other war-torn areas the state of emergency affords the armed forces great latitude in searching or even confiscating suspected premises.

In the aftermath of the attempted coup in May, some families of suspected coup plotters were subjected to searches of their homes and seizure of their property, even though the targeted suspect may have already been in custody.

Surveillance of persons, both visual and electronic, is not subject to legal restraints. All mail is subject to government monitoring. Ethiopian citizens can be called in at any time for questioning by authorities and for mandatory kebele meetings, political rallies, or marches. Refusal to appear for any of the events may result in imprisonment without hearing.

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Local kebele association officials monitor urban Ethiopians, whereas peasant association leaders perform the same function in the countryside. These officials monitor visitors, items brought in and out of houses, any meetings, and adherence to local curfews. The scope of such surveillance and petty interference in the private lives of Ethiopian citizens depends heavily on the makeup of the kebele and its leadership.

There are some indications that kebele control has diminished somewhat over the last year as a result of the general decline in the authority of the Government among many Ethiopians. The Government has also taken some steps to remove unpopular measures by: reducing pressure to join the WPE; no longer requiring party uniforms to be worn in government offices; and lifting the ban on Sunday driving.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The major events influencing human rights in Ethiopia during 1989 were fighting in the northern parts of the country during the spring and fall, and the coup attempt against President Mengistu in May. Ethiopia's civil war, now in its 28th year, continues to dominate the decisions of a government pursuing its self-preservation at all costs. Both the Government and the various insurgent movements have practiced forced conscription, imprisonment without recourse, violence against civilian populations, torture, and extrajudicial killing. These abuses have taken place during a civil war and under a declared state of emergency in the northern part of the country.

Major insurgent groups include the EPLF, active in Eritrea; the TPLF, active in Gonder, Shewa, Tigray, and Welo; the OLF, active in southeastern and western Ethiopia; the Ethiopian People's Revolutionary Party (EPRP), active in areas of Gonder and Mekedel; and a new umbrella group calling itself the Ethiopian People's Revolutionary Democratic Front (EPRDF), comprising the TPLF and its ally, the Ethiopian People's Democratic Movement (EPDM). There are another half-dozen minor insurgent groups.

Insurgent forces made major advances in 1989 with the capture of Tigray and lightning thrusts south within 70 miles of Addis Ababa. According to press reports, the rebels claimed to have killed, wounded, or captured an estimated 30,000 to 40,000 government soldiers and seized millions of dollars worth of military equipment during an autumn campaign. Also, in September the Air Force recommenced the terror bombing of Tigrayan towns on crowded market days. When government forces bombed Mekele, the capital of Tigray, school children were among the casualties.

The poor showing of government forces in 1989 could be traced to poor morale, use of forced conscription, and to the loss of over 200 military officers in the May coup attempt. Eyewitnesses reported that government security forces killed and wounded teenagers resisting conscription. Ethiopian authorities also reportedly tried to impress a number of Somali Isaak refugees from refugee camps close to the Somali border; however, the refugees were released after they had been positively identified as Somalis by camp personnel. Recent Ethiopian returnees from Somalia were explicitly exempted from conscription by the Government.

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During 1989 there were credible reports that all major parties to Ethiopia's civil war engaged in abduction, imprisonment without trial, torture, and summary execution of internal and external opponents. Factional disputes within and between insurgent groups were particularly violent, and included assassination of leaders. There are credible reports that the TPLF has forcibly conscripted teenagers and others as porters and support workers. In some areas the EPLF, the TPLF, and the OLF abducted local officials. There are numerous, albeit unconfirmed, accounts from TPLF-controlled areas of closed churches, destroyed clinics and schools, and destruction of basic infrastructure by the insurgents.

Little information is available on the treatment of prisoners of war (POW's). One insurgent group, the TPLF, as a matter of practice releases ordinary soldiers upon capture, after disarming them and confiscating their footwear. The rationale for this action by the TPLF appears both humane (as a guerrilla group they cannot care for large numbers of POW's) and tactical, since it encourages some GPDRE units to surrender. On December 31, the EPLF announced plans to release 10,000 POW's under its control.

Both the Government and the insurgents have seized upon the desperate need for food relief in 1989/90 as a political issue. Deliberately or not, the Government has underestimated the need for food relief in some insurgent-controlled areas. The EPLF and TPLF initially insisted on complete control over food distribution in areas held by them. By the end of 1989, however, there appeared to be some flexibility on all sides.

Relief organizations and volunteer groups were allowed relative freedom in pursuing their humanitarian activities in all areas controlled by the Government. The International Committee of the Red Cross (ICRC), however, has been denied access to Eritrea following a dispute with the Government. The TPLF and EPLF have allowed these relief groups only limited access into areas under their control. There were no reported attacks on relief workers during 1989 by either government or rebel forces, although Ethiopian staff members were killed in riots at refugee camps in southwestern Ethiopia.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is no freedom of speech or press in Ethiopia. The Government closely monitors the pronouncements of public officials, academicians, and clergy. Some instructors and professors in secondary schools and at the university have resisted the politicization of education. Academic freedom, although seriously circumscribed, still finds limited expression at the university.

The Government owns and operates all information media and exercises censorship through editorial boards and the Ministry of Information. Expression of unauthorized political opinions or of views at variance with the official government line can result in imprisonment. Political, economic, and social policies are formulated at the top levels of the government-controlled media and government-organized citizen groups.

Books and magazines are confiscated if deemed to contain sentiments opposed to the regime. Foreign magazines and newspapers are not readily available since foreign exchange is

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not granted to purchase them. Foreign radio broadcasts and those of opposition groups are widely listened to by Ethiopians.

During the search for the late U.S. Representative Mickey Leland and his party, the local press gave relatively open, accurate, and extensive coverage of the operation, and the Government allowed the foreign press corps freely to enter the country and to file reports without interference.

b. Freedom of Peaceful Assembly and Association

Notwithstanding constitutional provisions, assembly of any sort not previously approved by the Government is forbidden. In contrast, attendance at government-sponsored rallies, meetings, and parades is frequently mandatory and enforced by a wide range of sanctions. However, whereas frequent or close association with foreigners in the past may have resulted in government harassment and occasional detention, this is generally no longer the case. Trade and professional associations, such as the Rotary and Lions Clubs, are allowed to operate, although their membership and activities are monitored by the Government.

In late May, students at Addis Ababa University attempted several demonstrations against the Government in the wake of the attempted coup. However, internal security forces, including special commandos, used excessive force to beat back the students before actual demonstrations began, reportedly killing 2 students and arresting at least 100. Similar incidents occurred at the local commercial and technical schools. Additional reports indicate the police broke up a student demonstration in Addis Ababa's Revolution Square by firing warning shots into the air. No one was killed, injured, or arrested on that occasion.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Ethiopian nationalism and traditional values, including religion, are an integral part of the national culture. Government policy no longer ignores or tries to suppress religion. In fact, religion is now being factored into aspects of national planning. This planning, though, extends to the selection of religious leaders sympathetic to party policy. The Government nationalized most church property (thought to include as much as 30 percent of all land holdings in Ethiopia at the time) when it took power in 1974, and the Ethiopian Orthodox Church reportedly is dependent on annual government compensation payments to cover clerical salaries.

The Government's new attitude toward religion has resulted in increased respect for freedom of worship and proselytism for the Ethiopian Orthodox Church and Islam as provided in the 1987 Constitution. The Government continues to monitor religious practice and any teaching which might be contrary to its political views.

Party members are officially prohibited from worshipping, but this ban is not enforced. According to press reports, kebele officials often discourage church attendance, generally by scheduling mandatory meetings on Sunday mornings. The Government expunges reference to any deity from official

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statements and publications, television programs, and films, although government-controlled media still give routine coverage to church affairs and religious festivals. Ethiopian Orthodox church and Islamic holidays are recognized by the Government, and officials of both religions are allowed to exercise jurisdiction over civil matters such as marriage.

Foreign Protestant evangelical organizations have experienced a general trend of greater tolerance from central and local government officials over the last 3 years. Local government officials allowed a number of churches that had been closed to reopen. The September 2 amnesty included the release of the leaders of the Ethiopian Evangelical Mekane Yesus Church, some of whom were arrested over 5 years ago. The Government issues permits to foreign missionaries to enter and work in Ethiopia in limited numbers, although ostensibly as development specialists, not as missionaries. The Jehovah's Witnesses, however, remain banned.

Ethiopia's small Jewish population, known as Beta Israel or "Falasha" (a word meaning immigrant or outsider), lives in Gonder and Tigray, areas often associated with recurring insurgent activity. There have been no reports this year of atrocities or discrimination toward Ethiopian Jewry at the hands of Ethiopian authorities. Incidents of murder and thievery reported in late 1988 were attributed to long-running social conflicts in which land disputes and criminal activity are seen as motivating factors; those Ethiopian Jews who were victims were not attacked primarily because of their religious beliefs. The Government permits foreign-sourced development assistance directed at Jewish areas, including assistance used for the construction of synagogues. The burning of a synagogue near Gonder city in November resulted from a fight between two Jewish communities over the location of a new synagogue.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within Ethiopia increased markedly during 1989. While insurgent-held areas in Tigray remain inaccessible to both Ethiopians and foreigners, the Government allowed resumption of travel by citizens between Addis Ababa and Asmara, the capital of Eritrea. The Government's controversial internal resettlement program remained suspended for lack of funding. Reports indicate that some of those previously resettled have been trickling back to their original home areas.

The Government's mandatory villagization campaign, which collects scattered rural farmers into newly created villages, continued in 1989. It is sanctioned under the 1987 Constitution, which states that "the state shall encourage the scattered rural population to aggregate in order to change their backward living conditions and to enable them to lead a better life." The Government has announced plans that call for 50 percent of the rural population to be moved into villages by 1993. Unlike in prior years, there were no reports during 1989 of violence associated with villagization.

Travel abroad by Ethiopians was much freer in 1989 than in prior years, as the Government began issuing passports in unprecedented numbers. However, the processing of passport applications remains long and laborious. Exit visas must be used within 15 days of issue, and renewal can be difficult.

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Foreigners wishing to travel within Ethiopia must still obtain travel permits, and access to areas of conflict remains restricted. For diplomats, however, the process of obtaining permits to travel to areas not in conflict has become largely a formality. During 1989, only one permit request was denied to U.S. Embassy personnel.

Emigration remains highly restricted, though marriage to or adoption by foreign nationals is allowed. The Ethiopian Government responded sharply to the U.S. Government's 1989 immigrant visa lottery. Ethiopian postal authorities reportedly destroyed 100,000 applications mailed by those wanting to participate in the program. People coming to the Embassy for applications were beaten back by police at the Embassy's gates.

Illegal emigration remains punishable by imprisonment or, in exceptional cases, by death. Nonetheless, considerable illegal emigration occurs either under the subterfuge of travel abroad for business or to visit relatives, or by overland treks and surreptitious crossing of borders.

The Government recognizes the right of voluntary repatriation, and its proclamation of amnesty for Ethiopians living abroad (numbering more than 1 million) remains in effect. Most of these are in neighboring countries, mainly in refugee camps. The United Nations High Commissioner for Refugees (UNHCR) repatriation programs have successfully repatriated approximately 10,000 Ethiopians from Djibouti, Somalia, and Sudan since 1986. As of 1989, these official and spontaneous returnees came under the purview of a new tripartite commission composed of the Ethiopian and Somali Governments and the UNHCR.

There are no reports that returnees were mistreated or discriminated against upon their return. Ethiopian refugees in northern Somalia also may have returned to Ethiopia in an effort to flee civil strife in that country.

Instability in neighboring countries has stimulated a large-scale refugee movement into Ethiopia, with almost 800,000 entering the country--over 450,000 from Sudan and 350,000 from Somalia. Limited access to refugee camps by the international community has made it possible to monitor the level of relief and protection provided, although the Government has denied UNHCR permission to stay in the camps overnight.

There have been no reports that the Government has systematically denied aid to refugees in Ethiopia. Also, there were no reports of forcible repatriation. Violence at Somali refugee camps during July and early August was mostly among refugees themselves, although an Ethiopian guard was killed. Ethiopian staff members were killed during uprisings at Sudanese refugee camps at Fugnido and Itang during late September, which resulted from tribal tension between local Anuak people and Dinka and Nuer refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens of Ethiopia are not free to change their government. The 1987 Constitution institutionalizes all power in the WPE, the President, his advisers, and the 23-member Council of

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State. Political and economic policies are still dictated to the populace with little opportunity for public debate.

The WPE and its mass organizations purport to offer Ethiopian citizens a means of participation in government, but their real role is to ensure adherence to Marxist-Leninist principles. Official pressure on higher-level government officials to join the WPE has slackened in recent years. Many members of the bureaucracy have declined party membership without an adverse effect on their careers. Kebeles, the primary party/government control mechanisms at the local level, control housing allocation, basic food rationing, political indoctrination, and implementation of other government policies, such as registration and selection of youths for national military service.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government resists attempts by international and nongovernmental organizations to investigate human rights cases. It did not respond to Amnesty International's call in 1988 for an impartial investigation into reports of extrajudicial killings and lengthy and arbitrary detentions, particularly in Eritrea and Tigray. Ethiopian authorities did respond positively in 1989 to an international human rights organization's request for a list of the 87 political prisoners covered by the September 2 amnesty. There is no governmental or private body to investigate alleged human rights violations. Ethiopia is not a signatory to any of the United Nations human rights documents or the African Charter of Human and Peoples' Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for the equality of all Ethiopians irrespective of nationality, sex, religion, occupation, social or other status. The highest government echelons are no longer dominated by the Amhara ethnic group but include many Oromos and a few Eritreans and Tigrayans. However, almost all senior government and political figures are of Christian origin, although the population is approximately 50 percent Muslim.

American visitors to areas inhabited by Ethiopian Jews report the existence of some economic discrimination. The general poverty of the Jews has been aggravated by the Government's villagization campaign, which is true of other farmers forced to relocate from their traditional farming areas.

The rights of women are protected and women are promised additional government support by the Constitution. However, sex discrimination persists in Ethiopia's tradition-bound culture. Various U.N. studies note cultural and traditional biases, marriages imposed at a very young age, hard and time-consuming labor, inadequate employment opportunities, and below-average wages in urban areas.

Village leadership is invariably male, and all clergy are male. However, women in the principal Ethiopian cultures (Oromo, Amhara, Eritrean, and Tigray) enjoy certain economic rights equal to those of men. They may inherit, sell or buy property, and engage in business. In some rural areas, women

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have a subservient status within the home, and child marriages remain common, despite opposition by the Government.

Cultural attitudes about violence against women have improved since the 1974 revolution. While wife beating continues to be a problem, it is no longer as common as it once was. An Ethiopian woman does have redress to police protection if she is subjected to beatings by her husband, but the police are sometimes slow to respond. Women have successfully adjudicated many domestic violence cases in kebele courts, with offending husbands sometimes placed in kebele detention centers.

Long established practices, such as female genital mutilation (circumcision), remain common among Ethiopian Orthodox Christian and Muslim families. The Ministry of Health, religious organizations, the Revolutionary Women's Association (created in 1980 with the goal of improving the status of women), and nongovernmental organizations have engaged in an education and health campaign at the village level to sensitize the populace against female circumcision, early marriage, and harmful nutritional practices. A central tenet of this campaign is that female circumcision is itself an act of violence against women.

Section 6 Worker Rights

a. The Right of Association

There is no independent labor movement in Ethiopia. The labor force is organized into two umbrella mass organizations under the control of the only legal political party. The Government sees its own interests and those of working people as identical and considers a single trade union structure necessary to build a developed, Socialist society. The right to strike is not recognized, and strikes are rare.

The Ethiopian Trade Union (ETU) embraces industrial and urban workers with a combined membership of 318,000 (1988). Many of ETU's top leaders have been trained in Eastern Europe, and as an organization the ETU seeks to implement government policy, expand control over the workplace, and prevent work stoppages. The ETU is a member of Africa's continent-wide official trade union body, the Organization of African Trade Union Unity, and is affiliated with the Communist-controlled World Federation of Trade Unions.

Rural workers are organized under the Ethiopian Peasants' Association (EPA), which has 5.7 million members. The EPA is an umbrella organization of some 20,000 smaller peasants' associations, and in addition to being an implement of government control, promotes literacy and advances agricultural techniques. In some areas the local peasants' associations have tax collection and militia responsibilities.

Despite guarantees on the freedom of association in the 1987 Constitution (Article 47), farmers and workers are not permitted to organize outside the two recognized mass organizations. Ethiopia has consistently been criticized by the International Labor Organization (ILO) Governing Board for failure to observe ILO Convention 87 on Freedom of Association, which Ethiopia has ratified.

In 1989 the ILO's Committee of Experts noted that a draft labor code is being drawn up and expressed the hope that it

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would correct existing defects such as the imposition of a single trade union system, the legal obligation of trade unions and peasants' associations to disseminate among workers the Government's development plans and Marxist-Leninist theories, the right of the ETU to affiliate with international organizations, restrictions on the right to strike, and nonrecognition of trade union rights for public servants and domestic personnel.

b. The Right to Organize and Bargain Collectively

In practice, collective bargaining does not exist. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Slavery was officially abolished in Ethiopia in 1942, but the legal code does not otherwise address the issue of forced or compulsory labor. In Socialist Ethiopia, citizens are sometimes called on to perform certain civic obligations, including "volunteer" assistance in community work projects such as road-building and emergency repair. In factories, workers are also expected to "volunteer" extra hours at no pay, so production quotas can be met.

In 1989 the expanding civil conflict led to an often violent forced conscription of teenage youths. Beginning in April, there were eyewitness accounts of trucks picking up youths as young as 13 from Addis Ababa's market area. The latest round up of teenagers in Addis Ababa occurred in November. Forced conscription was also reported in other areas of the country. The young conscripts were often under armed guard and, by some accounts, sometimes chained together to prevent their escape. Quotas were established for each of Addis Ababa's kebeles.

d. Minimum Age for Employment of Children

The contract employment of children under the age of 14 is prohibited in Ethiopia. This restriction appears to be respected in factories, shops, and among domestic workers, although children under 14 are frequently seen as street vendors or beggars.

e. Acceptable Conditions of Work

Current working conditions vary according to occupation and region, but hours are generally long, conditions poor, and wages low. Given high unemployment, there is pressure for existing jobs in the modern economy. The minimum wage in Ethiopia is 93 cents per day. Even in a country with the low per capita GDP of \$106, such a low minimum wage is not sufficient to provide a decent standard of living for an urban worker and family. On the other hand, only unskilled day laborers usually receive such a low wage.

Fringe benefits not required by law (transportation, meals, shelter) raise the effective minimum wage. In some corporations, fringe benefits reportedly account for almost half of the payroll. Low-paid workers often supplement their income by holding multiple jobs, receiving help from the extended family, and engaging in subsistence farming. Government wages have been frozen for 15 years. Some internal government surveys reveal that as many as two of every five salaried government workers earn less than what is required to purchase a typical Ethiopian "grocery basket."

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The law establishes 8-hour workdays and 48-hour workweeks. The maximum legal workweek is generally respected in practice, but as noted there is much uncompensated "volunteer" labor to meet factory or office quotas. Health and safety codes for the workplace are rudimentary and remain unenforced. Compensation for occupational injuries and disabilities is mandatory.

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President Omar Bongo, the head of Gabon's sole political party, the Democratic Party of Gabon (PDG), has been reelected three times in uncontested elections, most recently in November 1986. A 1983 constitutional amendment provides that only the President-Founder of the party (President Bongo) may be a candidate for president. Presidential power is extensive but in practice is somewhat limited by a complex governmental structure, which includes a 42-member Cabinet headed by the Prime Minister. The 120-member National Assembly has no real power. All major ethnic groups and regions are represented in the Government, Political Bureau, and Central Committee of the party.

The armed forces are comprised of approximately 4,000 army, navy, and air force personnel. Internal security is shared by the Gendarmerie, a paramilitary force of 2,700, and the National Police, consisting of 2,000 troops, which works with the Gendarmerie to maintain law and order in Libreville, Port Gentil, and other provincial capitals. Uncontrolled immigration is of particular concern. Security forces monitor the presence and activities of thousands of illegal aliens and occasionally conduct campaigns to find and deport them.

Gabon's relatively high per capita income (\$3,200 in 1989) is based on oil revenues, but it belies the underdeveloped nature of the country and its economy. Although endowed with petroleum, manganese, uranium, and vast timber resources, Gabon has had limited agricultural and industrial development and must import most of its food and manufactured goods. Rain forest covers 85 percent of the country, and approximately two-thirds of the populace lives in remote areas. The TransGabon railroad, completed in 1986, now connects the coastal capital of Libreville to Franceville in the southeast interior. Due to the precipitous fall in revenue from oil exports in recent years, the Government has imposed austerity measures to meet World Bank and International Monetary Fund program criteria. A massive onshore oil field discovered in southern Gabon should boost petroleum output by 50 percent by 1990.

Human rights continued to be tightly restricted in 1989. Principal concerns included mistreatment of prisoners and detainees (there continued to be allegations of mistreatment of Equatorial Guineans held as illegal aliens by the security forces), lack of procedural safeguards in State Security Court trials, and restrictions on freedoms of speech, press, and assembly.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no known political killings or summary executions in 1989.

b. Disappearance

There were no known cases of abductions or disappearances ascribed to government security forces or any other group.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Gabonese law and security enforcement officials use beatings as part of the interrogation process. Two persons arrested in conjunction with a foiled coup plot in late 1989 subsequently died while in custody. According to the Government, one died from malaria and the other from a combination of diabetes and hypertension. No independent medical confirmation of the causes of death had been made available by year's end.

Prison conditions are harsh, and the main prison, Central Prison, has poor hygiene, inadequate medical facilities, and insufficient food. No specific instances of mistreatment of prisoners came to light in 1989, but Amnesty International's (AI) 1988 Report stated that a number of criminal suspects and alleged illegal aliens had been beaten and tortured at Central Prison in Libreville in 1987.

d. Arbitrary Arrest, Detention, or Exile

Gabonese law protects against arbitrary detention through clearly articulated judicial procedures (in the French tradition). Security forces have been known to disregard the procedures, particularly in security cases, by detaining persons indefinitely without charge. The Constitution specifies that "acts against the security of the State" and "actions against the Chief of State," which can include advocating a multiparty system, are punishable crimes. There were, however, no known political detainees or prisoners held during 1989.

Exile is not used as a means of political control nor as a sentence for convicted criminals. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The court system, modeled on the French, has several levels. The trial court (Tribunal de Premier Instance) hears questions of fact and law in civil, commercial, ordinary criminal and administrative cases. The appellate level is divided into two courts, with a separate appeals court for criminal cases. The highest level, the Supreme Court, has four chambers.

Outside the normal court system, there is a military tribunal to handle all offenses under military law, a State Security Court, and a special criminal court which deals with fraud and embezzlement of public funds by officials. The right to a fair public trial is provided for in the Constitution and generally has been respected in criminal cases, but important procedural safeguards are lacking in State Security Court trials. State Security Court trials are open to the public, and defendants are represented by counsel, with the right to appeal to the Supreme Court or, if turned down by the Supreme Court, to the President. However, court officials are appointed by the President, who can also transfer and dismiss them by decree. Although the judiciary is susceptible to intervention by the executive, particularly in political or security cases, there was no indication that such intervention occurred in 1989. On January 1, 1989, and on the 20th anniversary of the ruling PDG, President Bongo continued his practice of commuting the sentences of first offenders who were not convicted of first degree murder or armed robbery.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Search warrants may be obtained after the fact but, as occasionally happens in cases of suspected illegal aliens, sometimes they are not obtained at all. There were credible reports that in many cases the homes of those detained were ransacked by security forces who confiscated personal effects. The Government periodically monitors communications. Membership in the ruling PDG is not mandatory, but it enhances opportunities for political and career advancement. Gabonese citizens' livelihoods are not normally compromised by failure to join the party.

Section 2 Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are restricted. Neither direct public criticism of the President nor advocacy of a multiparty political system is permitted. Gabonese citizens with access to the President can express (and have expressed) their views, including criticisms, directly to him in private meetings, and there has been no retribution as a result. Public media--radio, television, and the sole daily newspaper L'Union--are controlled by the Ministry of Information and disseminate government views and communiques. The media carry wire service material (mostly Agence France Presse) which gives the public some coverage of world events. The broadcasts of prodemocracy demonstrations in China were apparently edited by the local television station which downplayed the impact of the mass demonstrations. However, the Government allowed the French satellite system to broadcast these events. The President encourages journalists to point out failures of individual government officials or ministries and to highlight inefficiency and corruption. Although foreign books and magazines containing "scurrilous" material have been banned in the past, this practice has not occurred in recent years.

Academic freedom is limited and public criticism of the President or of the political system is not allowed. In 1989 students engaged in protest actions against curriculum content.

b. Freedom of Peaceful Assembly and Association

The Government limits freedom of assembly and association to recognized organizations. Permits and police notification are required for all outdoor meetings. The Government generally permits such meetings only if they are organized by the ruling party (and its ancillary units such as the women's, youth, and labor movements), cultural and entertainment impresarios, or recognized church groups. Demonstrations are not permitted.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion, and the Constitution provides for religious freedom. Because their activities were considered by the Government as fostering disunity, Jehovah's Witnesses and several small syncretistic sects were banned by presidential decree in 1970. The decree was reiterated in 1985. As recently as 1987, the courts sentenced 24 Jehovah's Witnesses to short or suspended terms for belonging to a banned organization.

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The primary faiths are Catholic and Protestant. There are a few Muslims (including President Bongo) and numerous adherents to traditional religions. Foreign missionaries, including Americans, are engaged actively in evangelical and administrative capacities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement of both Gabonese citizens and expatriates within the country is not restricted formally, but travelers occasionally encounter gendarmerie control points where identity cards and other documents are examined. While Gabonese citizens may return freely to Gabon from abroad, they must obtain exit permits from the police, and government employees must obtain permission to travel abroad.

There are approximately 200,000 non-Gabonese resident in Gabon, many of whom are from Equatorial Guinea or Cameroon. Immigration laws and presidential decrees promulgated in 1986 imposed heavy monetary guarantee requirements on non-French and non-American expatriates working in Gabon and levied exit visa fees for each departure from the country. The Gendarmerie periodically detains undocumented aliens who are then placed in a holding camp under harsh conditions. Most of the detainees are released after paying fines and bribes. In August the Government of Senegal arranged for the voluntary repatriation from Gabon of some 1,000 of its citizens.

The Government encourages but does not force "regroupment"--the voluntary consolidation of small rural communities into larger villages along a road--by enhancing the delivery of public services such as water, electricity, and schooling in the larger villages.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The present political system does not accord citizens the right to change their government through the electoral process. The Democratic Party of Gabon (PDG) is the sole political party of Gabon. A party constitution amendment (March 1983) restricts candidacy for presidential elections to the Founder-President of the PDG. Among party members, there is competition for elections to the National Assembly and for positions on the Central Committee, but this maneuvering is within the sole political party. Presidential elections are held during the 7th year of the President's term. National Assembly members are elected for 5 years. The Council of Ministers, which meets under the chairmanship of the President or, occasionally, the Prime Minister, approves all government decisions proposed by the President. The 42-member Cabinet (reshuffled slightly in August) includes representatives of major ethnic groups from all regions of the country. This large Cabinet allows the various interest groups to have a review role in policy formulation, a share in political patronage, and a consultative role on national resource distribution.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Gabon has not been the object of human rights investigations in recent years, but in 1989 it invited representatives of Amnesty

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International and other human rights organizations to visit Gabon to ensure that coup plotters arrested in August receive good treatment and due process of law. President Bongo repeated his invitation to human rights observers in a November address to the nation in which he also announced that the coup plotters would be tried by the civil courts rather than placed under the jurisdiction of a military court. There are no local human rights groups. In the cabinet reshuffle of August, responsibility for human rights questions remained with the Secretary of State for Promotion of Women.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Gabon's relative prosperity has enabled the Government to extend health and social security benefits to all its people, regardless of tribal affiliation or region. Recent difficulties in maintaining these benefits have been due to severe budget cutbacks rather than to discriminatory practices. There are no significant ethnic, racial, religious, or social groups that have recently suffered mistreatment by the Government.

Urban women are moving increasingly into the professions due to improved educational opportunities, including in technical training institutions in urban areas. Government and party policies are supportive. In rural Gabon women still fill largely traditional roles built around family and village, e.g., hauling water, tending fields. The gradual introduction of piped-in water and of electricity has had the effect of improving living standards for rural women.

Violence against women in Gabon, including wife beating, occurs, but there are no studies or statistics available to help determine the extent of the problem. However, violence against women is believed to be infrequent as it is not part of the traditional social context. The incidents that are reported in the media from time to time invariably have their genesis within the context of domestic disputes or are related to violence against prostitutes. The Government does not condone such behavior but has not directly addressed the issue.

Section 6 Worker Rights

a. The Right of Association

Workers may organize labor unions but are not free to form and join unions of their own choosing. All unions must be affiliated with the government-sponsored Labor Confederation of Gabon (COSYGA), which is a specialized organ of the PDG and the sole labor federation. It is estimated that over half of Gabon's 90,000 salaried private-sector workers are unionized. Government employees are not permitted to belong to unions.

Under Gabonese law, the right to strike continues to be severely restricted; strikes are illegal if they occur before remedies prescribed under the Labor Code (1978) have been exhausted. In June demonstrators gathered outside the presidential palace to protest a change in the Labor Code which would have legalized piece-rate work in the industrial sector. President Bongo met with a labor delegation to discuss the matter, and he later agreed to rescind the announced change. In an unusual conciliatory move, the demonstrators were paid their regular wages for the afternoon of the demonstration. Utilities workers in Gabon's oil capital of Port Gentil have

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staged work stoppages in the past to protest government-ordered cuts in salaries and personnel at the state-owned utilities company.

COSYGA is a member of the Organization of African Trade Union Unity and maintains ties with the International Labor Organization (ILO) and the American Federation of Labor and Congress of Industrial Organizations and other national trade union centers.

In its 1989 report, the ILO Committee of Experts (COE) indicated that, in order to conform with Convention 87 on Freedom of Association, the Government should revise existing legislation to: provide workers who wish to form unions of their own choosing the right to do so; eliminate the obligation imposed on workers to pay a solidarity tax without their consent; and eliminate compulsory arbitration which effectively makes it legally impossible to strike.

b. The Right To Organize and Bargain Collectively

Unions in each sector negotiate with management over specific pay scales, working conditions, and benefits applicable to their industry. Representatives of labor, management, and government meet annually to agree on the minimum wage, which is determined within guidelines provided by the Government. Agreements reached between labor and management in each sector also apply to nonunion and expatriate labor. According to the Labor Code, workers may individually or collectively take complaints of code violations to arbitration and may appeal to labor and national courts. These provisions are respected in practice. There are no export processing zones in Gabon.

The 1989 report of the COE recommends that existing legislation be revised to expand protection against antiunion discrimination and to provide protection, including penal sanctions, for workers' organizations against employer interference.

c. Prohibition of Forced or Compulsory Labor

Although forced labor is prohibited by law, the COE has for many years noted that provisions of the Merchant Shipping Code are incompatible with ILO Conventions on forced labor. These provisions permit the use of compulsory duties as one means of administrative punishment or reprimand for merchant seamen. The Government has often said that it is amending the Code, but it has taken no action to date.

d. Minimum Age For Employment of Children

No minor below the age of 16 may work without the authorization of the Ministries of Labor, Public Health, and Education, which enforce this provision. It is granted rarely, and few employees in the modern wage sector are below the age of 18. Children at younger ages are involved in traditional family farm labor in rural areas.

e. Acceptable Conditions of Work

The (1978) Labor Code and the (1982) General Convention of Labor govern working conditions and benefits for all sectors. Labor legislation provides broad protection to workers. The minimum wage for unskilled labor since April 1985 has been about \$200 per month for Gabonese and about \$150 for

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foreigners. Owing to labor shortages, most salaries are much higher. These wages provide a decent living for workers and their families. Work over 40 hours per week must be compensated with overtime, and the workweek must include a minimum rest period of 48 consecutive hours. Women have a right to 14 weeks of leave during pregnancy, including 6 weeks before delivery.

The Labor Code provides for occupational health and safety standards to be established by decree of the Minister of Health. Adherence to these standards, which are generally adopted from the French model, varies greatly and usually reflects company policy rather than governmental enforcement efforts. There has been little unemployment for Gabonese wishing to enter the wage economy, although it has been increasing as the economy reacts to the recent decline in world oil prices.

THE GAMBIA

The Gambia is a parliamentary democracy with an elected president and legislature. Except for a coup attempt in 1981, The Gambia has had a history of political stability under the leadership of its only President since independence in 1965, Sir Dawda Jawara. His ruling People's Progressive Party (PPP) has dominated the unicameral Parliament, but several opposition parties participate in the political process, including two new political parties formed in 1986. In the parliamentary and presidential elections held in March 1987, President Jawara was reelected by a large margin, and PPP candidates won an overwhelming majority in Parliament.

The confederation between The Gambia and Senegal, established in 1982 following the coup attempt, formally ended in September 1989, following Senegal's withdrawal of its security forces from The Gambia. The two countries disagreed over the function and ultimate purpose of the confederation, with The Gambia insisting upon its sovereignty and Senegal favoring a more fully integrated economic union. The Gambia has a small army with an attached naval unit organized and trained by British officers. Its gendarmerie forces, formerly headed by Senegalese officers, are now under Gambian leadership. The combined confederal battalion, which had been two-thirds Senegalese and one-third Gambian, was disbanded in September 1989.

The Gambia's estimated population of 784,000 consists largely of subsistence farmers growing rice and groundnuts (peanuts), the country's primary export crop. The Gambia in 1989 continued a stringent program of economic reform which met the targets agreed upon with the International Monetary Fund, the World Bank, and other donors. The program has allowed The Gambia to reschedule its external debt and to receive new loan and grant assistance.

The Gambia has made particular efforts to promote observance of human rights, including the subject in its Constitution of April 24, 1970. In June the Organization of African Unity's (OAU) Commission on Human and People's Rights established its headquarters in Banjul. The Gambian Government founded a Centre for Democracy and Human Rights Studies, in conjunction with the OAU headquarters, to serve as a research institution and training center for human rights issues.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no instances of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no allegations of torture in 1989. The Constitution prohibits torture and other cruel, inhuman, and degrading punishment.

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Prison conditions are severe, and there have been occasional reports of mistreatment of prisoners. The deaths of several inmates in 1988 at one prison due to inadequate diet was investigated by a Presidential Commission on Prison Conditions. The Commission found nutritional deficiencies and some overcrowding, and its recommendations led to prison reforms, including the passage of legislation specifying an adequate prison diet. The Government allows prison visits by representatives of the local Red Cross and by close family members.

d. Arbitrary Arrest, Detention, or Exile

Based on British legal practice, well-developed constitutional and legal procedures govern the arrest, detention, and trial of persons accused of crimes. Under these procedures, a detained person must be brought to trial within 1 week of arrest. This waiting period, however, can be extended twice, making 21 days the maximum period of detention before trial.

In 1987 the Government detained several suspected members of the Movement for Justice in Africa, which was banned in 1980. They were later released without charges being brought on political grounds, although some were charged and tried for possession of cannabis. There were no political detainees being held at the end of 1989. There are some self-exiled opposition elements who would be arrested for suspected involvement in the 1981 coup attempt if they returned to The Gambia, e.g., the alleged leader of the plot, Kukoi Samba Sanyang.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Three kinds of law operate in The Gambia: general, Shari'a, and customary law. Shari'a, governing Muslims, is observed in marriage and divorce proceedings. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure and utilization, local tribal government, and all other traditional civil and social relations. General law, based on English statutes and modified to suit the Gambian context, governs criminal cases and trials and most organized business practices. If there were a conflict between general law and Shari'a, general law would prevail.

The Constitution provides criminal defendants with the traditional rights of the English legal system, such as presumption of innocence, the right of the accused to be informed promptly of the charges, and the right to a public trial. If released on bail, an accused person may face charges indefinitely, since there is no maximum time limit for completing the investigation and bringing the case to trial. Appeals normally proceed from the Supreme (trial) Court to the Court of Appeals, the country's highest tribunal.

While the judiciary operates independently and is free of government interference, judges are appointed by the Government. Because of the shortage of legal professionals in The Gambia, the legal system is staffed in part by judges and prosecuting and defense attorneys from other English-speaking countries having the same basic legal system as the Gambia.

An opposition journalist, Sana Manneh, editor of *The Torch*, accused four cabinet ministers of corruption in 1988 and

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subsequently was charged with libeling three of them in October 1988. A 4-month trial ensued, avidly followed by the private press and the public. In April Manneh was acquitted on two counts of libel and given a warning for a third, less serious count. The Government appealed this decision, and a hearing date is set for March 1990.

The Government released 40 prisoners in December 1988 in honor of the 40th anniversary of the Universal Declaration of Human Rights. In February 1989, in commemoration of Gambian independence, President Jawara announced the release of 50 more prisoners, some of whom had participated in the 1981 coup attempt. Currently, there are no known political prisoners in The Gambia.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides guarantees, which are respected in practice, against arbitrary search of person and property. It does permit a search to which a suspect submits voluntarily or if it is reasonably required in the interest of national defense or public welfare. Under the Gambian criminal code, search warrants based on probable cause are issued by magistrates upon application by the police. The code also specifies that police may conduct a search of a private residence while a crime is in progress. There are a few police and military checkpoints in and around Banjul, which periodically stop drivers and search vehicles.

The rights of family are of extreme importance in The Gambia's conservative Muslim society. Marriage, the raising of children, and religious instruction are regulated by a combination of personal preference and ethnic and religious tradition. The Government does not normally intrude in family matters. Family planning is encouraged but not enforced. There is no effort to censor or control personal correspondence or communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press. While opposition parties have been relatively inactive since the 1987 elections, members freely express their opinions about the Government and ruling party.

The Government does not attempt to censor published materials, whether they originate within or outside the country. In practical terms, The Gambia, with its small, mainly rural, largely illiterate, multilingual population, does not support an active press. There are no daily newspapers. The Government and the People's Progressive Party have newspapers which are published on a biweekly or monthly basis. There are several independent, intermittently published, mimeographed newsheets. Both the opposition and the independent press are openly critical of the Government. A biweekly mimeographed paper, sponsored by a legal Socialist party, has been particularly vocal in condemning the governing party. There is, however, some degree of self-censorship in the government-owned media, which exercises restraint in reporting criticism of the Government. During the libel trial of the journalist who accused four cabinet ministers of corruption, Radio Gambia and the official press ceased coverage after the first week of

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the trial. However, the Socialist paper reported on the daily events of the trial and was widely distributed; the international press also covered the story.

There is no television in The Gambia, although Senegalese broadcasts can be received. The Government dominates the media through Radio Gambia. There have been no reported instances of government interference with the one commercial radio station, which mainly broadcasts music. Foreign magazines and newspapers are available in the capital. There is no university in The Gambia.

b. Freedom of Peaceful Assembly and Association

In general, there is no interference with the freedom of association and assembly which is provided for in the Constitution. The Government almost always grants permits for peaceful assembly but requires that these meetings be open to the public. However, the Movement for Justice in Africa, which was suspected of involvement in the 1981 coup attempt, is banned.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The constitutional provisions of freedom of conscience, thought, and religion are observed in practice. The State is secular, although Muslims constitute over 90 percent of the population. The schools provide instruction in the Koran for Muslim students. Christians, both Catholic and Protestant, freely practice their religion. There is a small Baha'i community in Banjul. Missionaries are permitted to carry on their various mission-related activities openly and freely. There is no evidence of discrimination in employment, education, or in other areas of Gambian life on religious grounds.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement, subject to conditions protecting public safety, health, and morals. There is no restriction on freedom of emigration or freedom of return. Internally, police and military checkpoints exist in and around Banjul, but there is no evidence that police harass travelers. Because of historic and ethnic ties with the inhabitants of Senegal, Guinea-Bissau, Mali, Sierra Leone, and Mauritania, people tend to move freely across borders, which are poorly marked and difficult to police. Under the confederation treaty of 1981, neither Gambians nor Senegalese have needed passports or visas to travel to or reside in the other country. It is not clear whether this will change as a result of the recent dissolution of the confederation. The Gambia also recognizes the Economic Community of West African States' (ECOWAS) protocol which allows entry of ECOWAS country citizens for up to 90 days without visas.

In late April and May, during the ethnic violence and unrest in Mauritania and Senegal, over 7,000 Mauritanian citizens sought refuge from Senegal in The Gambia. The Gambian Government moved quickly, in conjunction with the Red Cross and other donors, to set up temporary camps and feeding centers for the Mauritanians and later arranged an airlift to

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help their voluntary return to Mauritania.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The President and the Members of Parliament are popularly elected, as are the district councils and the chiefs, who exercise traditional authority in the villages and compounds. Presidential and parliamentary elections are held every 5 years. Citizens must be at least 18 years of age to vote. Balloting is secret, and measures are employed to assure that illiterate voters understand the choices and voting procedure. A functioning multiparty system exists in The Gambia even though the People's Progressive Party under the leadership of President Jawara has been in power since independence. The principal opposition party, the National Convention Party (NCP), contests both national and district elections. Two newly formed opposition parties, the Gambia People's Party (GPP) and the People's Democratic Organization for Independence and Socialism (PDOIS), contested for office in the March 1987 presidential and parliamentary elections. Campaigning was vigorous, active, and open to all parties. The ruling PPP won by an overwhelming majority and now holds 31 of 36 elective seats in the Parliament. The NCP was the only opposition party to win seats. The opposition charged that the election was manipulated by the Government but did not provide evidence to support its allegations. The opposition also charged, with some justification, that the PPP benefited from its control of Radio Gambia and access to government vehicles for campaigning.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is responsive to charges of human rights violations and permits visits of international human rights organizations to observe the conditions of detainees and the trial process. There were no reported requests by such organizations for investigation of alleged human rights abuses in The Gambia during 1989. The Gambia is an active member of the United Nations Human Rights Commission and of the Organization of African Unity's (OAU) Commission on Human and Peoples' Rights. It took the initiative in persuading the OAU to locate the Commission in Banjul which opened in June 1989. The Government has also established the African Centre for Democracy and Human Rights Studies in conjunction with the OAU Commission, which held its first colloquium in November.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Gambian population is overwhelmingly Muslim and rural, with 85 percent living in villages. While personal initiative and choice are valued, there is considerable emphasis on the collective aspects of rights and privileges. Traditional views, especially about the role of women in society, are changing, but very slowly. Marriages are still often arranged, and Muslim tradition allows for polygamy. Domestic violence (wife beating) and female circumcision are common practices in The Gambia as in the region, reinforced by traditional beliefs. As a result, the Government has been passive in attempting to counter these practices. However, the Women's Bureau in the Office of the President conducted a study in late 1989 of women's rights, including specific

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questions on domestic violence, that will be used as the basis for recommendations to the law reform commission. The Women's Bureau conducts an ongoing campaign in the rural areas to make women aware of their legal rights in divorce, property matters, and in cases of assault.

In villages the women continue to perform work in the field and provide for the majority of local food production. Women also play an important role in the small, modern wage sector of the economy. Most are in semiskilled jobs (e.g., assembly work, handicraft shops, bus conductors), very few are in skilled trades (e.g., carpentry, auto repair), and a small but growing number are in midlevel supervisory positions (e.g., civil service, tourist hotels, and banks). There is no wage or benefits discrimination for jobs that are performed both by men and women. Females comprise over one-third of the students in primary school, and, with growing educational opportunities, women are beginning to participate increasingly in the professions and in political life.

Section 6 Worker Rights

a. The Right of Association

The Labor Administration Act specifies that workers are free to form associations, including trade unions. However, less than 20 percent of the work force is engaged in the modern wage sector of the economy, where unions normally are active. The Gambian Workers' Confederation (GWC) and the Gambian Workers Union (GWU), are the two main independent and competing umbrella organizations, and both are recognized by, and have a good working relationship with, the Government.

The Labor Administration Act authorizes strikes. However, because of a required 14-day cooling off period (21 days in essential services), government conciliation efforts, and the poor bargaining strength of the unions, few strikes actually occur. In September about 200 workers of the China Building Material Company outside of Banjul went on strike following the dismissal of a worker; the outstanding issues appeared to be differences between the Chinese management and Gambian labor practices.

As a result of an incomplete merger effort between the GWC and the GWU, both organizations claim affiliation to the International Confederation of Free Trade Unions (ICFTU); however, the ICFTU continues to recognize the GWU as its affiliate. Both unions are affiliated with the Organization of African Trade Union Unity. In addition, there are two other Gambian labor confederations, the Gambian Labor Confederation, which is affiliated with the Communist-controlled World Federation of Trade Unions, and the Gambian Trade Union Congress, which is affiliated with the World Confederation of Labor. The Gambia is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Under the Labor Administration Act, workers have the right to organize and bargain collectively. While trade unions are small and fragmented, collective bargaining agreements in May resulted in revised minimum wage rates for categories of workers in construction, carpentry, electrical engineering, transportation, shipyards, hotels, and other occupations. There is no export processing zone in The Gambia. Labor laws

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are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Criminal Code prohibits compulsory labor. There is no evidence of forced or compulsory labor in The Gambia.

d. Minimum Age for Employment of Children

The official minimum age for employment is 18. However, because of the paucity of secondary school opportunities, most children complete their formal education by age 14 and informally enter the work force. Control of child labor does not apply to customary chores on family farms or street trading.

e. Acceptable Conditions of Work

Minimum wages and hours of work are determined by the Joint Industrial Council, pursuant to the Labor Administration Act, which has representation from employees, employers, and government. For example, the minimum wage for an unskilled laborer is approximately \$1.20 per day, usually supplemented with transport and other allowances. The wages are higher for various skilled laborers, with the minimum under the May 1989 agreement set at \$2.89 per day for foremen and hotel chefs. The private sector generally has provision for overtime pay. These minimum wages do not provide for a decent standard of living. However, most Gambians do not live on one worker's earnings and rely on the extended family system, including often some subsistence farming.

The workweek for government workers is four 8-hour days, with a half day on Friday. Allowance is made for half-hour lunch breaks. For the private sector, there are four 8-hour days with half days on Fridays and Saturdays, making a 40-hour workweek. Government employees are entitled to 1 month's paid leave after 1 year of service; private sector employees receive 15 days of paid annual leave.

Under the Factory Act, the Minister of Labor is given authority to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to ensure compliance. However, this system is less than fully satisfactory, owing to the shortage of inspectors. The Government announced in 1987 that it would submit to Parliament a new labor code to replace obsolete labor laws; and a new industrial injuries compensation act to replace the existing workmen's compensation act. However, no action to this end had been taken by the end of 1989.

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Ghana is governed by the Provisional National Defense Council (PNDC) under the chairmanship of Flight Lieutenant Jerry John Rawlings, who seized power from an elected government on December 31, 1981, and abolished the constitution, which has not been replaced. Under the Establishment Proclamation of January 11, 1982, the PNDC exercises "all powers of government." In practice, government policy is developed by Chairman Rawlings, assisted by a number of close advisers, both inside and outside the Government. In addition to Chairman Rawlings, the PNDC consists of eight members, of whom two are serving military officers and six are civilians. The executive consists of ministries headed by secretaries, most of whom are subordinate to a PNDC member responsible for that particular area of government. There is no national legislature or lawmaking body. All national, regional, and many district officials are appointed by the PNDC.

The several security organizations which exist in Ghana report to various departments of government, but all come under the control of the PNDC. Most security cases of a political nature are handled by the Bureau of National Investigation (BNI), which reports to the PNDC member responsible for security issues.

Starting in 1983, the Government adopted an Economic Recovery Program (ERP) to redress a quarter century of economic mismanagement and political instability which caused Ghana to decline from one of Africa's most promising economies to near collapse. Conducted in concert with the International Monetary Fund, the World Bank, and a consultative group of bilateral donors, the recovery program has had a positive impact. While economic growth has averaged 5 percent since the inception of the ERP, and inflation has fallen far below the triple-digit rates of earlier years, the austerity of the recovery program has been a heavy burden for large segments of the population.

Although the Rawlings regime has largely restored order following the 18-month period of revolutionary excess in 1982 and 1983, there continue to be significant human rights problems in Ghana. These include restrictions on such basic rights as freedom of speech, press, and assembly, the right of citizens to change their government, and legal due process. In June 1989, the Government established regulations for registering all religious organizations; it "froze" the assets of four churches, expelling the expatriate missionaries of two of them, the Jehovah's Witnesses and the Mormons. Summary arrest and detention were continuing problems with instances of incarceration without formal charges.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated or other extrajudicial killings.

b. Disappearance

No politically motivated disappearances were reported in 1989.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There have been occasional credible allegations of torture and beatings in recent years, although there were none in 1989. Prisons in Ghana are antiquated and overcrowded; conditions are harsh. Within the past few years, two American citizens with medical problems died in Ghanaian prisons, and a third stated he had been physically mistreated. The Government is aware of unsafe and overcrowded prison conditions and has established a commission to look into reform of the prisons and the parole system.

d. Arbitrary Arrest, Detention, or Exile

In routine criminal cases, arrests generally conform to the legal procedures set forth in the criminal code. This code requires that an arrested person be brought before a court within 48 hours to be charged. However, the court can refuse to release a detainee on bail and instead remand him without charges for an indefinite period of time, subject to weekly review as a case is investigated. Habeas corpus is limited by a 1984 law which prevents any court from inquiring into the grounds for the detention of any Ghanaian under PNDC Law 4 (Preventive Custody Law of 1982).

PNDC Law 4 provides for indefinite detention without trial if the PNDC determines it is in the interest of national security. Ghanaian security forces occasionally take persons into custody, with or without a warrant, and hold them incommunicado for extended periods of time, as in the 1987-1988 case of the journalist Ben Ephson. The threat of such treatment serves as a deterrent to activities deemed unacceptable by the State. PNDC Law 4 has been used against a wide variety of persons, including trade union officials like Akwasi Adu-Amankwah and student leaders like Tony Akoto-Ampaw, both of whom were released in 1989.

In late June, the PNDC detained without charge the President and the Secretary General of the Ghana Bar Association for more than a week after the Association announced its intention to hold a seminar commemorating the murder of three judges by soldiers in 1982, shortly after Chairman Rawlings took power. Following a decision by the Bar Association to cancel the seminar, the President and Secretary General were released. There are also reliable reports that Lebanese businessmen suspected of illegal activities are often simply arrested and incarcerated as a means of intimidating others.

In recent years, a number of American citizens have been arrested and held without charge for lengthy periods without the U.S. Embassy being notified or provided access as stipulated in international conventions and in a bilateral treaty. In 1989 the Government seized members of a religious group--the Black Hebrews--who are American citizens and long-time residents of Ghana. They were held several days before appropriate officials at the American Embassy were informed of their imprisonment. The Department of State renewed its August 1988 travel advisory warning American visitors and potential travelers of continuing problems with Ghanaian authorities.

The number of political detainees/prisoners at the end of 1989 was unknown, but the most reliable estimates were around 200. The Government claims the actual number is smaller. In

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September 1989, Major Courage Quashigah, two other military officers (one of whom reportedly committed suicide while in detention), and two civilians were arrested for alleged involvement in a coup plot. They had not been tried by the end of 1989.

The Government does not practice forced exile. In 1988 the Government continued quietly to encourage Ghanaian exiles with valuable skills to return home, offering them amnesty. A few officials of the former government have returned and resumed careers outside politics, apparently without difficulties. Others have remained abroad, particularly in the United Kingdom and other parts of Western Europe, in order to conduct active opposition to the PNDC or out of fear of political persecution.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are two court systems in Ghana. In the regular "prerevolutionary" court system, traditional legal safeguards are based on British legal practices. Trials are public, and defendants have a right to be present, to be represented by an attorney, and to present evidence and cross-examine witnesses. This system includes high courts, appeal courts, and a supreme court headed by a chief justice. There are limitations, however, to the independence of the regular courts. In April 1986, the PNDC summarily dismissed 16 judges, alleging that they were guilty of malfeasance. By this action, the PNDC put judges in the regular courts on notice that they serve at its sufferance. The independent Ghana Bar Association has urged the reestablishment of a judicial council to protect judges from arbitrary dismissal and preserve judicial independence.

A separate public tribunals system at the national and regional levels was set up by the PNDC in 1982 to bypass the regular court system and speed up the judicial process by deemphasizing legal "technicalities." This system includes the Office of Revenue Commissioners, the National Investigations Committee (which, established by PNDC Law 2, has the power to investigate virtually any allegation referred to it by the PNDC), the Special Military Tribunal, and the Public Tribunals Board. Most sensitive political cases and those involving security issues and capital punishment are heard by public tribunals. No appeals were permitted until 1985, when the National Appeals Tribunal was created.

The public tribunals depend largely on judges with little or no legal experience, and they shortcut legal safeguards and due process to provide "rough and ready" justice. Presiding judges are more often laymen than lawyers; there are no published guidelines concerning the admissibility of evidence; and conviction is by majority vote of the panel trying a case. Critics also contend that meaningful appeals are impossible because no adequate record is kept of initial hearings before tribunals. Judges on the appeals panel are drawn from the same pool of "lay judges" who hear initial cases. In the course of a September conference for tribunal officials, government officials proposed the establishment of regional appeal tribunals and the publication of tribunal judgments. The Ghana Bar Association, citing such shortcomings, has elected not to practice before the public tribunals. However, a number of lawyers have ignored the Bar Association's decision and will defend clients before the public tribunals.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Citizens not engaged in activity objectionable to the Government are generally free from interference with regard to private conduct, although some critics characterize the local Committees for the Defense of the Revolution (CDR) as "neighborhood watch committees." Monitoring of telephones and mail occurs, and forced entry into homes has been reported in connection with security investigations. The State supports family planning, but there has been no interference with the right to marry or have children as one chooses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedoms of speech and the press are restricted. Chairman Rawlings has frequently encouraged people to speak out on local community concerns, though not on government policy. However, informers are said to exist, and some Ghanaians hesitate to speak frankly at public gatherings or to attend certain functions.

In September the Ghana Bar Association was to host the biennial meeting of the African Bar Association with the conference theme to be "Human Rights in Africa." The Government had been involved in the planning for almost a year, but, shortly before the conference was scheduled to open, the Government withdrew its financial and logistical support. Faced with this official opposition, the Bar Association canceled the meeting. The Government also confiscated the passport of the Ghana Bar Association President amidst allegations in a government-owned newspaper that he had planned to use the conference to destabilize the Government.

The Government owns the radio and television stations and the two principal daily newspapers. Reporting in government-owned media accentuates positive aspects of government policies but also covers selected instances of corruption and mismanagement in government agencies and state-owned enterprises. In general, media criticism of government policies or of Chairman Rawlings and PNDC members, as well as of foreign and domestic policies, is not tolerated. Journalists are subject to discipline or dismissal by the Government for running articles deemed unacceptable. The editor of the government-owned weekly *The Mirror* was dismissed in August 1988.

On occasion, the few remaining privately owned newspapers have tried to be relatively bold in reporting selected issues, including editorials and articles criticizing Ghana's foreign policy and the Economic Recovery Program (ERP). However, several privately owned newspapers have closed down in recent years, and in December 1985 the Government banned publication of the *Catholic Standard*; it remained banned in 1989, although Chairman Rawlings has said publicly that the ban is being reconsidered.

A few foreign periodicals such as *West Africa*, *Time*, and *Newsweek* are sold freely in Accra and other major cities, and even issues critical of Ghana are allowed to circulate. Most Western journalists are now routinely accorded visas and press credentials as opposed to the practices of a few years ago.

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Academic freedom is respected within the confines of the campus. The National Union of Ghanaian Students, one of the more vocal critics of the PNDC, is tolerated and allowed to organize and hold meetings. Several political organizations, including the June Fourth Movement and the New Democratic Movement (NDM), were founded by faculty and students at the University of Ghana. The NDM is viewed with particular suspicion by the PNDC. Just prior to examinations in May 1988, university students demonstrated over campus issues and forced the closing of all three universities; they reopened in December. During 1989 the Government made a concerted effort to improve its relations with the university students. Senior government officials and students discussed PNDC programs in a serious but nonconfrontational manner, and Chairman Rawlings addressed the graduation ceremonies at the three major institutions without incident.

Critics have charged, and the PNDC Chairman has publicly admitted, that fear of government reaction has led to the creation of a "culture of silence" in Ghana. Senior officials deplore this and ask people to speak out on issues, but instances such as the detention of the President and the Secretary General of the Ghana Bar Association in June demonstrate that to do so can be dangerous and that the boundaries of permissible discussion are still vague.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are also restricted. Individuals generally are free to join together formally or informally to promote benevolent or nonpolitical causes, but permits are required for public meetings or demonstrations, and these are seldom granted for political purposes, particularly if the applicant's views are at odds with those of the Government. Political parties and political meetings are prohibited. The Government barred persons with close ties to the old parties from running as candidates for election to the district assemblies.

Ghana has many private religious, social, and cultural organizations which are allowed to organize and gather with a minimum of legal or informal restrictions.

For a discussion of freedom of association as it applies to labor unions, see section 6.a.

c. Freedom of Religion

There is no state-favored religion. Ghanaians are predominantly Christian, and many senior government officials are practicing members of various Protestant sects or Roman Catholicism, with no particular advantages or disadvantages attached to membership.

PNDC efforts to urge the major religious communities to support its economic and social policies has created tension between them and the Government. Chairman Rawlings publicly criticized the Roman Catholic Church's prohibition on its priests participating in the district assemblies. The PNDC has also been sensitive to criticism of Ghana's human rights record by leaders of various denominations. Chairman Rawlings has not renewed his 1987 charge that worldwide church and Christian organizations may be havens for foreign spy networks.

In June 1989, the Government laid down guidelines for the registration of all religious organizations and made it clear

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that any organization whose actions, it concluded, would lead to social disruption or would offend the morals of the people would not be registered, and thus not tolerated. The Government requires full information about the property and financial assets of the churches and makes the boards of governors personally liable for contraventions.

Subsequently, the Government "froze" the assets of four churches, two indigenous Christian churches, plus the Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints (Mormons). The expatriate personnel of the Jehovah's Witnesses and the Mormons were expelled with 7 days' notice. The Government alleged that the Jehovah's Witnesses refused to recognize Ghana's symbols of authority and that the Mormons advocated racism. Ghanaian members of the Mormon church have not been further harassed, but expatriate Mormons have not been allowed to resume their missionary activities in Ghana. At present, these four churches have not been allowed to apply for registration.

Other foreign missionary groups have generally operated throughout the country with a minimum of formal restrictions, but some foreign missionaries find obtaining visas is becoming more difficult. At least one missionary was denied entry in 1989 despite possessing a valid visa.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Ghanaians and foreigners are free to move throughout Ghana without special permission. Police checkpoints exist countrywide, allegedly for the prevention of smuggling, but are less obtrusive than in the 1982-84 period. Roadblocks and car searches are still a normal part of nighttime travel in Accra.

As members of the Economic Community of West African States (ECOWAS), Ghanaians may travel without visas for up to 90 days in member states. Ghanaians are generally free to exercise this right, and nationals of other member states are free to travel to Ghana. In August-September 1989, longtime Ghanaian residents of Liberia and longtime Liberian residents of Ghana abruptly returned to their "home" countries amidst press allegations that they had been deported. Both Governments officially denied their citizens had been deported. Ghanaians are also free to emigrate or to be repatriated from other countries. If a person is considered a security threat, special permission to travel outside Ghana must be obtained.

There is no forced resettlement of populations. The Government has not established policies to deal with the roughly 150 refugees registered with the United Nations High Commissioner for Refugees. Many unregistered refugees from the Sahelian drought in neighboring countries remain in Ghana, and efforts to settle or move these basically nomadic peoples have had only limited success.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is no procedure by which citizens can freely and peacefully change their laws, officials, or form of government. Chairman Rawlings and the PNDC exercise total executive, legislative, judicial, and administrative power. The National Commission for Democracy (NCD) was established in

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1984 to design new "democratic" structures which would help establish the legitimacy of the PNDC.

In December 1988, and in January and February 1989, the first elections of any kind since 1979 were held in Ghana to establish district assemblies in 10 regions. An estimated 58.9 percent of the electorate, higher in the rural areas than in the urban areas, turned out for the elections which were generally peaceful and unaccompanied by fraud. The contests revolved around the candidates' probity and competence. These local assemblies have limited authority, and the PNDC has emphasized that the first priority of the assemblies is to establish local development programs. The Government names one-third of the members of each assembly, which conduct meetings and formulate development programs within guidelines laid down by the Regional Coordinating Councils (RCC) established in August 1989. The RCCs are dominated by government-appointed officials.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no known locally organized human rights groups currently dealing with Ghanaian human rights matters. Several other organizations--most notably the Ghana Bar Association--have attempted to address human rights issues from time to time. The Government's reactions to these efforts have ranged from indifference to active discouragement. The Government does permit the International Committee of the Red Cross to visit prisons. In September 1988, Ghana hosted a meeting of the International Federation of Women Lawyers, which addressed human rights in Ghana, but in 1989 it blocked the African Bar Association meeting. A representative of Amnesty International applied to visit Ghana in 1989 but was denied a visa.

The Government is sensitive to charges of abuse of human rights and stoutly defends its practices. The PNDC is particularly critical of charges from human rights groups in the West that it lacks a democratic structure. It insists that "participatory democracy" through people's involvement in mass organizations such as the Committees for the Defense of the Revolution and the 31st December Women's Movement has "grassroots" support and is more broadly democratic than previous Ghanaian governments. Ghana is a member of the U.N. Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although ethnic differences are intentionally downplayed by the Government, occasional charges are aired that the PNDC and the political leadership are dominated by the Ewe ethnic group from eastern Ghana. Chairman Rawlings and a number of his close advisors are Ewe.

The Government has made a concerted effort to raise the status of women in Ghana. In 1985 it promulgated four laws which overturned many of the customary, traditional, and colonial laws which discriminated against women. These concerned family accountability, intestate succession, customary divorce registrations, and the administration of estates. Women in urban centers and those who have entered the modern sector encounter little overt bias, but resistance to women in

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nontraditional roles persists. Women in the rural agricultural sector remain subject to traditional male dominance. Women do have a significant economic role as market traders.

Violence against women, including wife beating, occurs, but, as there are no statistics or studies available, the extent of the problem is unknown. Police do not normally intervene in domestic disputes, and such cases seldom come before the courts. Female mutilation (e.g., clitoridectomy) is practiced only in the far northeast and northwest parts of the country. The Government discourages the practice, although it has not made it illegal. The 31st December Women's Movement, led by Chairman Rawlings' wife Nana Komadu Agyeman-Rawlings, prominently promotes the economic and social development of women.

Section 6 Worker Rights

a. The Right of Association

The PNDC has not interfered with the right of workers to associate in labor unions. Trade unions in Ghana and their activities are still governed by the Industrial Relations Act (IRA) of 1958, as amended in 1965 and 1972. The independent Trades Union Congress (TUC), established in 1958, represents organized labor in Ghana. It consists of a national headquarters and 16 affiliated unions, representing a claimed total membership of about 700,000 workers in skilled and semiskilled trades. Union members elect their own leaders, and representatives of the affiliated unions elect the TUC leadership at quadrennial conferences, the most recent having been in March 1988. The TUC publishes its own newspaper. It is independent of government subventions and has publicly criticized the Government at times for its economic policies as well as its failure adequately to consult the trade union movement.

The right to strike is recognized in law and in practice, although the Government has on occasion taken strong action to end strikes, especially those which threaten interests it perceives as vital. Under the IRA, the Government has established a system under which it seeks first to conciliate, then arbitrate, disputes. Discussions have been under way for some time to replace this system with labor tribunals to arbitrate industrial disputes certified as deadlocked. The Government has declared that establishment of labor tribunals must be part of a new, consolidated industrial relations act, which cannot be implemented piecemeal.

For several years the International Labor Organization (ILO) Committee of Experts (COE) has criticized various aspects of Ghanaian legislation pertaining to freedom of association. The COE, again in 1989, expressed the hope that measures would be taken to bring Ghana's laws into conformity with ILO Convention 87 which Ghana ratified in 1967.

The TUC is affiliated with the Organization of African Trade Union Unity (OATUU). Consistent with OATUU guidelines, it maintains no other international affiliations, although it has friendly relations with other international labor organizations, including the International Confederation of Free Trade Unions and the Communist-controlled World Federation of Trade Unions.

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b. The Right to Organize and Bargain Collectively

The right to organize is generally respected. Civil servants, however, are prohibited by law from joining or organizing a trade union. The TUC is a large, well-established union organization whose membership has shown little growth in recent years. Ghana's trade unions engage in collective bargaining for wages and benefits with both private and state-owned enterprises, though in the latter category the threat of detention (a common practice in the early 1980's) hangs over union leaders to force agreement on issues. At the end of 1989, no union leaders were under detention for union-related activities. Akwasi Adu-Amankwa, a union leader detained at the end of 1988 for activities not related to his union responsibilities, was released and allowed to enter a training program offered in the Netherlands.

There are no functioning export processing zones in Ghana, and labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Ghanaian law prohibits forced labor, and it is not known to be practiced. For a number of years, however, the ILO's COE has urged the Government to revise various legal provisions which permit imprisonment with an obligation to perform labor for offenses which are not countenanced under ILO Convention 105, ratified by Ghana in 1958.

d. Minimum Age for Employment of Children

Labor legislation in Ghana sets a minimum employment age of 15 and prohibits night work and certain types of hazardous labor for those under 18. In practice, child labor is prevalent, and young children of school age can often be found during the day performing menial tasks in the market or collecting fares on local buses. Enforcement of minimum age laws is uneven, especially since local custom and economic circumstances favor children working to help their families. Violators of regulations prohibiting heavy labor and night work for children are occasionally punished.

e. Acceptable Conditions of Work

Minimum standards for wages and working conditions are established through a tripartite committee composed of representatives of government, labor, and employees. It establishes a minimum wage rate, and other salaries are adjusted accordingly. Effective January 1987, the minimum wage was increased 25 percent to \$0.50 per working day at current exchange rates. In early 1988, the TUC called for a "meaningful" national wage of not less than \$4.00 per day. The current "living wage"--consisting of the actual wage and customary benefits such as transportation and food allowances--is about \$1.00 per working day; the TUC estimates the daily living costs of a family of four at \$5.00. Thus, the existing minimum wage is insufficient for a single wage earner to support a family. In most cases, however, households are supported by multiple wage earners, some family farming, and other family-based commercial activities. An upward adjustment in the living wage may be a major labor/management issue in 1990. The basic workweek in Ghana is 40 hours. Occupational safety and health regulations are in effect, and sanctions are occasionally applied to violators.

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Guinea has been ruled by the military since 1984. Under President Lansana Conte, the military governs the country through the Military Committee for National Recovery (CMRN) and a joint military and civilian Council of Ministers. The regime, which came to power following the 24-year reign of Sekou Toure, suspended the constitution and rules through ordinances, decrees, and decisions issued by the President and various ministers.

Military and paramilitary forces number about 17,000 persons (although accurate figures are difficult to obtain), with the army alone consisting of some 10,000 officers and soldiers. The 2,000-man national guard (Gendarmerie Nationale), a police force, and a well-armed presidential guard provide internal security. Both the military and police have been involved in human rights abuses. In particular, abuses by police appear to have been a motivating factor behind the reorganization of the security services in 1989, placing the police under the direction of an army officer.

Eighty percent of Guinea's population of 7 million is dependent on subsistence agriculture. Per capita annual income is estimated at barely \$300. Mineral resources, mainly bauxite, diamonds, and gold, are the major exports. Under President Conte, Guinea's economic reform program is attempting to diversify the small salaried work force, primarily through the creation of producers' associations and cooperatives and the promotion of foreign investment. However, efforts to reduce the size of the civil service, the largest employer, have left recent university graduates without jobs in the public sector, a sinecure under the old regime. Increasing unemployment in 1989 was a source of growing government concern.

The human rights situation has improved markedly since the Sekou Toure years; however, human rights in Guinea in 1989 remained circumscribed despite frequent government declarations of an increased dedication to human rights. Major concerns were the failure of the military Government to control abuses by often poorly disciplined security forces, including killings and beatings; the Government's silence on the fate of prisoners still unaccounted for following a 1985 coup attempt; and the Government's restrictions on freedoms of speech and press, assembly and association, and the right of citizens to change their government through democratic means. Women's rights are restricted in several important areas. Acknowledging these concerns, especially those in the political sphere, the Government has widely publicized the promulgation of a new constitution, scheduled for December 1990. President Conte announced that this document would provide for an interim 5-year period of mixed military/civilian stewardship leading to a multiparty, parliamentary system of government, headed by an elected president, with strict separation of powers. A drafting committee of 50 drawn from all sectors of educated Guinean society, is currently drawing up a new constitution.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings in Guinea in 1989. However, in October the police in Labe beat to

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death a young man who had been arrested on a minor charge. When a group protesting the incident marched on the police station and attacked it, the military was called in. Ultimately soldiers fired into the crowd, killing 6 persons and injuring 18. A government minister investigated the incident, and subsequently the Government ordered the arrest of police officers responsible for the young man's death. At the end of 1989 no formal proceedings had been launched.

b. Disappearance

There were no reports of politically motivated disappearances in 1989. However, there is still uncertainty about the fate of a number of military officers, mainly from the Malinke ethnic group, who disappeared after their arrest following the 1985 coup attempt (see also Section 1.e.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The military Government continued in 1989 to denounce the human rights atrocities of the former Toure dictatorship and publicly seeks to enforce provisions of the 1965 penal code which forbid torture and abuse of authority. However, mistreatment of detainees continues; the police and soldiers are widely perceived by the public as using excess force, frequently involving severe beatings as in the Labe incident. Amnesty International's (AI) 1989 report noted that several students, while in police custody in 1988, had been beaten and subjected to mock executions.

d. Arbitrary Arrest, Detention, or Exile

A suspected criminal can be detained incommunicado by the arresting authority during preliminary investigation and has the right to counsel only after appearing before a judge. Such detention is limited to 48 hours, or 96 hours if an extension is granted by a tribunal. A system of bail for those accused of less serious crimes, as defined by the presiding judge, is available at the judge's discretion. In practice, despite presidential admonitions and campaigns in the government-owned media against corruption and harassment of citizens, paramilitary elements use arbitrary detention as a means of extortion. Political detainees, such as those held after the 1985 coup attempt, are often held incommunicado and without charge for extended periods of time.

The Government has encouraged Guinean expatriates, including former exiles of the Sekou Toure regime, to return home, but few have chosen to do so. Significant numbers of Guineans live in neighboring African countries and in France.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Guinean penal code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of accused to counsel, and the right to appeal a judicial decision. The judiciary includes courts of first instance (for justices of the peace at the local level) and two Courts of Appeal (one in Kankan, one in Conakry). The Court of Annulment is the Guinean

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court of last appeal. A special Court of State Security was created in 1985 to try those allegedly involved in the July coup attempt, but it did not meet in 1989.

According to ordinances issued in 1988, the Military Court prepares and adjudicates charges against accused military personnel, but to ensure equality before the law, all judgments regarding violations under the penal code are rendered by civil courts. Trials are public. Those accused of major crimes have the right to an attorney; those accused of less serious crimes must pay for legal counsel.

There is a traditional system of justice at the village or urban neighborhood level where litigants present their civil case before a village chief, neighborhood chief, or council of wise men for judgment. Justice is not enforced uniformly. For example, burglars caught in urban areas are sometimes beaten to death by victims and their neighbors with the tacit approval of police authorities. Authorities have publicly condemned such summary justice.

Human rights organizations have continued to criticize the Government's secretive handling of those tried by the State Security Court and the Military Court for alleged involvement either with the former Toure regime or the July 1985 coup attempt. Much of the information concerning trial procedures of these Courts was never made available, and the trials were widely perceived as unfair. Despite presidential amnesties on December 31, 1987, and on October 2, 1988, which released 106 persons (including 79 military personnel), the fate of many others remained unknown at the end of 1989. It was widely believed that many of the announced death sentences had been summarily carried out shortly after the suspects were arrested in 1985. Guinean officials have informed diplomatic and international human rights observers that there are no longer any political detainees or prisoners held in Guinea, implying that all those imprisoned for their connection with the 1985 coup have been released.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government stresses traditional family values and the inviolability of the home. In general, the military Government is less willing than the previous regime to abuse police powers, although unwarranted interferences in citizens' lives continues, mainly through individual police harassment. Security officials are known to monitor mail and telephone calls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government has publicly stated that it supports free speech and press. However, citizens do not generally feel free to express public criticism of the Government, although criticism of government officials is heard in private discussions.

The Government owns and operates the news media, and reporters (who are government employees) practice self-censorship. In 1989 investigative reporting focused on social ills and unscrupulous commercial practices (a favorite target of official criticism), but no criticism of the senior levels of

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government or established policies was aired. The Ministry of Information, Culture and Tourism continues to act both as administrator and censor of media services.

Publications which incite crime or are contrary to good morals are prohibited, as are insult, defamation, and libel. Some groups--operating for the most part abroad--have expressed criticism in clandestine tracts. Many foreign publications circulate freely in Guinea, including some critical of the Government, and no attempt is made to interfere with foreign radio broadcasts.

b. Freedom of Peaceful Assembly and Association

Public gatherings can take place only with the approval of the Government. The Guinean penal code bans any meeting which has an ethnic or racial character or any gathering "whose nature threatens national unity." Opposition groups are not permitted. The Government does encourage the formation of nonpolitical professional organizations, and their numbers continue to increase.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Guineans generally enjoy religious freedom and tolerance for the larger religious groups. Although an estimated 85 percent of the population is nominally Muslim, there is no official state religion. The Government observes both major Christian and Muslim holidays. The Government and the quasi-governmental National Islamic League (LIN) have spoken out against the "proliferation of pseudo-sects (within Guinean Islam) generating confusion and deviation." The President has declared that the LIN is the only organization with responsibility for coordinating the observance of Islam in Guinea. Foreign missionaries, both Catholic and Protestant, operate freely in Guinea.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricts the freedom of movement of individual citizens for political reasons. For example, the 67 persons granted amnesty at the end of 1987 were restricted to their area of origin following their release from prison. That restriction has gradually been relaxed in many cases and left to the discretion of local prefects (governors).

Most Guineans, however, are free to move about the country and to change their place of residence and work, although in practice they face harassment by police and military roadblocks, particularly at night. It is common for individual citizens to pay bribes to avoid police harassment. Foreign travel, strictly curtailed under Sekou Toure, is now permitted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are unable to change their government through democratic procedures. The military Government suspended the constitution and banned political parties and formal political activity when it took power in April 1984. The Government

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delayed its previously announced intention to introduce a new constitution in 1989. Rather, President Conte announced in October that there would be an interim 5-year period of mixed military/civilian stewardship leading eventually to a multiparty, parliamentary system of government, headed by a president, with strict separation of powers. At the end of 1989, the interim changes in government had not been introduced or a timetable announced.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Senior government officials received representatives of the International Committee of the Red Cross concerning humanitarian issues, including possible prison visits. There are no local organizations reporting on human rights issues in Guinea.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While racial or ethnic discrimination is prohibited by the penal code, ethnic identification is still very strong in Guinea, and mutual suspicion affects relations across ethnic lines within and outside the Government. Official government policy is to include representatives of all major ethnic groups in the Government, but the Soussou ethnic group, to which President Conte belongs, tends to predominate at the highest, most influential levels. A disproportionate number of police are Malinke, former President Toure's ethnic group. Clandestinely circulated opposition tracts frequently play on ethnic tensions to stir resentment against the Government. As noted, many of those that "disappeared" after the 1985 coup came from the Malinke ethnic group.

In rural Guinea, opportunities for women are limited by custom and the traditional demands of subsistence farming. The Government has affirmed the principle of equal pay for equal work, but in practice women receive less pay than men in most jobs.

Violence against women, mainly wife beating, is prohibited under criminal law and is a ground for divorce under civil law. Police rarely intervene in domestic disputes, and prosecution of wife beaters is unusual but has occurred. Health workers in Guinea state that wife beating exists, but they differ in their opinions on the extent of the problem and its severity. The issue has not received significant publicity or government attention.

Female genital mutilation (circumcision) is practiced among all religious groups in Guinea: Muslims, Christians, and animists. According to Western health workers, the practice is nearly universal among Guineans. Grandmothers will frequently see to the circumcision of a granddaughter even when the parents are opposed. The most dangerous form of circumcision, infibulation, is not practiced.

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Section 6 Worker Rights

a. The Right of Association

Guinea's new labor code, drafted with the assistance of the International Labor Organization (ILO) and promulgated in January 1988, states that all workers have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. The code also provides that workers have the right not to be a member of such organizations. Further, it stipulates that a union must be independent of political parties to be recognized as representative of workers. The code requires elected worker representatives for any enterprise employing 25 salaried workers. The code also grants salaried workers the right to strike 10 days after their representative union makes known their intention to strike.

In practice, most salaried Guineans--many of whom are civil servants--are affiliated with the country's sole trade union central, the Guinean National Labor Confederation (CNTG), which has close ties to the Government. Private sector workers may strike only with the permission of the CNTG board, a requirement which reduces the likelihood of strikes. In March taxicab drivers in Conakry participated in a 1 to 2 day strike, protesting police harassment and increased insurance and gasoline rates. According to reports, police arrested and detained briefly over 50 rock-throwing drivers. Police held the strike leader for several days. In the past, the Government has dealt sternly with wildcat strikers, including banning those in the public sector from further government employment. The CNTG is affiliated with the Organization of African Trade Union Unity.

The ILO Committee of Experts (COE) has commended the Government for its new labor code but also noted that some question still remains regarding legislative provisions that provide for the establishment of compulsory arbitration. In its 1989 report the COE commended a revision of the code limiting the Government's power to refer a dispute to compulsory arbitration to cases involving "essential services" and "national crisis." However, the COE observed that the statute still permits either party to invoke compulsory arbitration, a practice that could limit the right to strike, according to the Committee.

b. The Right to Organize and Bargain Collectively

Under the new code, representative workers' unions or union groups can organize in the workplace and negotiate with employers or employer unions. Union delegates are to represent individual and collective claims and grievances before the employer. Work rules and work hours established by the employer are to be developed in consultation with union delegates. Individual workers threatened with dismissal or other sanctions have the right to a hearing before the employer with a union representative present. Employers must give advance notice of any plan to reduce the size of their work force for economic reasons.

In practice, CNTG representatives take the lead in labor/management talks. Collective bargaining has taken place, most notably in 1986 when the CNTG concluded an agreement with the mining companies, and again in 1988 when bank employees collectively bargained for substantially higher salaries.

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Labor legislation is applied uniformly throughout the country. There are no export processing zones.

The above cited COE 1989 report commended the Government for removing a provision of the law restricting the right to hold union offices to Guinean nationals.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not practiced in Guinea, and article 2 of the labor code specifically forbids it. The COE has noted the Government's stated intention to revise or repeal various obsolete laws to bring them into compliance with ILO conventions on forced labor.

d. Minimum Age for Employment of Children

The minimum age for employment in practice as well as in the new code is 16 years of age. Apprentices, however, may be as young as 14 years old. Workers and apprentices below age 18 are not permitted to work at night or more than 12 consecutive hours or on Sundays. According to the labor code, the Minister of Labor must maintain a list of occupations in which women and youth under age 18 may not be employed. Enforcement of these provisions outside of the modern sector of the economy, however, tends to be erratic, particularly in rural areas where children of all ages work on family farms.

e. Acceptable Conditions of Work

The Government has not yet enacted minimum wage legislation, but the labor code provides for the eventual establishment by decree of a guaranteed minimum hourly wage. There are also provisions for overtime and night wage rates which are fixed percentages of the regular wage. Wages currently paid the average worker in the public sector are generally not sufficient to provide a decent standard of living. According to the code, regular work is not to exceed 10-hour days or 48-hour weeks, with a 40-hour workweek being the norm. The minimum weekly day of rest must be 24 consecutive hours, usually on Sunday. Every salaried worker has the right to an annual paid holiday accumulated at the rate of at least 2.5 workdays per month of service. Several articles of the code provide for safe working conditions and the continued good health of workers. These as yet represent the goal rather than the practice.

GUINEA-BISSAU

The Republic of Guinea-Bissau is a one-party state with former or present military leaders in key positions. General Joao Bernardo Vieira serves as President of the Council of State and Head of State, Commander-in-Chief, and General Secretary of Guinea-Bissau's sole political party, the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). In elections held in June 1989, Vieira, the only candidate, was elected for a second 5-year term as President. According to the 1984 Constitution, the National Assembly decides fundamental questions of internal and external policy, but effective power and day-to-day decisions rest in the hands of the President and the Council of State. Although the President is the most powerful Member of the Council, decisionmaking is collegial. The party selects all candidates for office.

The Armed Forces (FARP) are responsible for state security, both external and internal. FARP leaders are usually members of the PAIGC and often hold key positions in the Political Bureau or Central Committee. Security forces are under the full control of the Government. Persons accused of political crimes are tried by military tribunals.

Guinea-Bissau remains one of the least developed nations, and most of the 974,000 population is engaged in subsistence agriculture. The Government's postindependence efforts to exercise central control over the economy failed to stimulate agricultural production and resulted in chronic shortages of most basic commodities, inefficient state-owned enterprises, high unemployment, and a weak national currency. Beginning in late 1986, the Government launched a series of reforms to promote long-term economic growth by shifting from a state-run centralized economy to a free-market system. While the reforms spurred private commercial activity and improved agricultural production, in 1989 inflation remained high, and urban residents continued to witness a drop in their standard of living.

The Government marked the 40th anniversary of the Universal Declaration of Human Rights by granting amnesty on December 13, 1988, to four prisoners imprisoned for involvement in a 1985 coup plot. However, most human rights remained tightly restricted. Major human rights problems were abuse of detainees in security cases, arbitrary arrest, lack of fair trial, and limits on freedoms of association, speech, and press, the right of citizens to change their government, and worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of premeditated politically motivated killing. (Also see Section 1.c.)

b. Disappearance

There were no known cases of disappearance.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits cruel and inhuman punishment. However, security authorities employ severe interrogation methods, especially severe beatings. Amnesty International (AI) stressed in its 1989 Report (covering 1988) that it continued to receive allegations of the use of torture in security cases and deaths in custody due to mistreatment, noting in particular the detention center ("COP-2") in Bissau. AI asked the Government in 1987 to establish an independent commission of inquiry into these and other allegations, but the Government never responded.

d. Arbitrary Arrest, Detention, or Exile

Arrests in Guinea-Bissau are frequently arbitrary, as arrest procedures are undefined, and the use of arrest warrants is the exception rather than the rule. The legal system, inherited from the Portuguese but modified by the Constitution, includes important procedural rights, such as the right to counsel and the right to a judicial determination of the legality of detention (habeas corpus). Bail procedures are observed erratically.

The Government has held persons without charge or trial, sometimes for extended periods of time, including in incommunicado detention. The number of political detainees held at the end of 1989, if any, was unknown. The Government has the legal right to exile prisoners but has not done so in recent years.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Traditional law still prevails in most rural areas, and many urban dwellers continue to bring judicial disputes to recognized traditional counselors. Several traditional counselors from a village in the Farim sector were reportedly arrested in 1989 for their role in punishing, by death, two persons accused of witchcraft.

With some exceptions, the official judicial system is based on the Portuguese model. Intervals between arrest and trial are often lengthy. All defense lawyers are court appointed, as private legal practice is prohibited. The judiciary is a part of the executive branch. Trials involving state security usually are not open to outside observers and are conducted by military tribunals. FARP members are tried by military courts for all offenses. The Supreme Court is the final court of appeal for both civilian and military cases, except those involving national security matters. In this instance the Council of State reviews all decisions.

The number of political prisoners at the end of 1989 was unknown. However, approximately one-half of those convicted in treason trials in 1986 have been released upon the completion of their sentences or upon grants of amnesty. The remaining prisoners, some of whom have been voluntarily joined by their families, are confined to islands in the Bijagos Archipelago. In 1988 the Government released Raphael Barbosa, cofounder of the PAIGC, from a prison camp on the island of Formosa.

GUINEA-BISSAU

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional guarantees of the inviolability of domicile, person, and correspondence are not always respected in cases of serious crimes or state security. International and domestic mail is subject to surveillance and censorship. Membership in the PAIGC is not forced, although individuals with political aspirations realize the importance of belonging to Guinea-Bissau's sole political party.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of intellectual, artistic, and scientific expression, with the significant exception of cases in which these rights are exercised in a manner "contrary to the promotion of social progress." In fact, these freedoms are restricted. The Government controls all information media and views the press as a vehicle of the party. Journalists are government employees and must practice self-censorship to maintain their positions. The media are permitted to criticize and question some policies, although they may not criticize individual officials.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and government approval is not required for peaceful, nonpolitical assemblies and demonstrations. However, all existing organizations are linked to the Government or the party, including the sole labor union, the National Union of the Workers of Guinea-Bissau. Antigovernment meetings are not tolerated.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religious freedom is provided for in the Constitution and has been respected in practice. Christians, Muslims, and animists worship freely, and proselytizing is permitted. However, religious groups must be licensed by the Government. In 1989 there were no reports of groups being refused licenses.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are allowed to move freely throughout Guinea-Bissau. Foreign travel is not restricted, nor is citizenship revoked for political reasons. Thousands of persons have emigrated for economic reasons. The return of expatriates is encouraged, although the death in 1986 of one opposition member in a car accident during a forced repatriation from Senegal convinced some government opponents that they would not be welcomed back to Guinea-Bissau. In May 1989, several hundred Mauritanian refugees fleeing ethnic violence in Senegal entered Guinea-Bissau. Most of the refugees were quickly repatriated to Mauritania, but some remained in Guinea-Bissau and were integrated into the Mauritanian community residing in Guinea-Bissau. While sympathetic to the principle of asylum, Guinea-Bissau does not host significant numbers of refugees.

GUINEA-BISSAU**Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens do not have the right or the ability peacefully and legally to change the government or the form of government. Guinea-Bissau is led by the PAIGC Party and military elite, headed by President Joao Bernardo Vieira. By the terms of the 1984 Constitution, all political activity takes place within the party/state structure. The 1989 electoral slates for the National Popular Assembly at the district, regional, and national levels were party-approved lists, although not all candidates were members of the PAIGC. Affirmative or negative votes on the proposed slates were cast by secret ballot. The President, members of the Council of State, and deputies of the National Popular Assembly are elected to 5-year terms. There are provisions for constitutional amendments and national referendums initiated by the National Popular Assembly, but the Assembly has never taken such initiatives, and it meets infrequently. No single ethnic group dominates party/government positions, but Papel and Creole (mixed-race) groups, predominantly located in and around the capital of Bissau, are disproportionately represented in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although international human rights groups have visited Guinea-Bissau, these visits have been tightly controlled. An AI mission held discussions in June 1986 with President Vieira and other key officials and attended one session of the treason trial. However, the Government has not responded to AI's 1987 request that an independent commission examine various human rights issues. There are no local human rights groups in Guinea-Bissau.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The population of Guinea-Bissau is composed of diverse tribal groups, each with its own language, customs, and social organization. The Balanta, Fula, Mandinka, Manjaco, and Papel are important groups. Creoles enjoy an advantageous position within the society due to their generally higher level of education and their links abroad. Although the President and other influential leaders regularly urge the nation to overcome ethnic differences, the economic dominance of Creoles (and to a lesser extent Mandinkas and Fulas) has created resentment among other ethnic communities. Most of the defendants in the 1986 coup trial were members of the Balanta, the largest ethnic group (30 percent).

While officially prohibited, discrimination against women persists within certain ethnic groups, especially the Muslim Fulas and Mandinkas of the north and east. The practice of female circumcision is still widespread among these groups despite official prohibition and educational campaigns against this custom. Women enjoy higher status in the societies of the Balanta, Papel, and Bijagos groups living mainly in the southern coastal region. Physical violence as a means of settling domestic disputes occurs among all ethnic groups. While police will intervene in domestic disputes if requested, the Government has not undertaken specific measures to raise the public consciousness of women or to reduce violence against them.

GUINEA-BISSAU

Section 6 Worker Rights

a. The Right of Association

Approximately one-half of the population of Guinea-Bissau is of working age. While the Constitution provides for freedom of association, only one labor union, the National Union of the Workers of Guinea-Bissau (UNTG), exists in Guinea-Bissau. With strong ties to the PAIGC, the UNTG more closely resembles a mass party organization than an independent union. The UNTG is neither aggressive nor effective in promoting worker rights. While not specifically forbidden, strikes do not occur. Since the Government's use of force to disperse students attempting to strike in 1981, the public's perception has been that strikes, like antigovernment meetings, would not be tolerated. The UNTG is affiliated with the Communist-controlled World Federation of Trade Unions and is a member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

Of the estimated 28,000 salaried workers in the country, approximately 50 percent are employees of the Government. Guinea-Bissau's small manufacturing sector employs fewer than 5,000 persons. The scarcity of salaried jobs has forced employees to focus on obtaining and keeping employment rather than on organizing and bargaining. Public employees are permitted to join the UNTG, but the union's activities have not emphasized organizing employees (whether private or public) for the purpose of collective bargaining. The Constitution does not provide and protect the right to organize and bargain collectively, but the General Labor Law of 1986 contains limited provisions addressing collective bargaining. In practice, from the worker's perspective, the right is neither protected nor practiced.

While expressing satisfaction with various provisions of the 1986 labor law, the International Labor Organization (ILO) Committee of Experts noted in both 1987 and 1988 that the Government's provision for the protection of workers against antiunion discrimination does not appear to be accompanied by penal sanctions against employers and that the General Labor Act is not applicable to workers in the public service. The Committee pointed out that public servants who are not engaged in the administration of the State should be able to enjoy the right of collective bargaining. There are no export processing zones in Guinea-Bissau, and labor laws are applicable throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not permitted by law and is not known to exist. There are no penal sanctions for offenders, however, and the Government lacks the means to provide adequate labor inspections.

d. Minimum Age for Employment of Children

The General Labor Act of 1986 established a minimum age of 14 for general factory labor and of 18 for heavy or dangerous labor, including all labor in mines. In an overwhelmingly rural and agricultural society, the traditional division of labor practices both between sexes and age groups continues to prevail. Children in rural communities do domestic and field work for no pay. The Government does not attempt to

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discourage this practice and, in fact, delays the opening of schools until the rice season has ended.

e. Acceptable Conditions of Work

Even in the small wage sector, labor laws are unevenly enforced due primarily to the extreme economic underdevelopment of the country and the vagaries of the legal system. However, there are government regulations governing such matters as job-related disabilities and vacation rights. The maximum number of hours permitted in a normal workweek is 45 hours. Although not consistently enforced, a minimum wage of approximately \$13 a month is mandated by the Ministry of Civil Service. The wage is inadequate to maintain even a minimum standard of living, and workers must supplement their income through reliance on the extended family and subsistence agriculture. Existing legal, health, and safety standards for workers are not enforced in a uniform and comprehensive manner.

KENYA

Kenya has had an elected civilian government since independence in 1963. It has been a de facto one-party state almost since independence and a de jure one-party state since 1982. President Daniel T. arap Moi maintains firm control over both the Government and the party, the Kenyan African National Union (KANU). KANU membership is a prerequisite for participation in national political affairs. The popularly elected National Assembly (unicameral Parliament) of 202 members (including 12 appointed by the President and 2 ex officio members) has little independent power in national political affairs, but it is usually involved in local and regional issues or in affirming the President's initiatives.

The Kenyan armed forces constitute a small professional establishment with a total strength of 22,500 members. Kenya has an internal security apparatus that includes the police criminal investigation department (CID), the paramilitary general services unit (GSU), and the directorate of security and intelligence (DSI or Special Branch). The CID and Special Branch investigate criminal activity and are also used to monitor persons whom the State considers subversive.

Kenya's modern, market-oriented economy includes a well-developed private sector for trade and light manufacturing as well as an agricultural sector that provides food for local consumption and substantial exports of coffee, tea, and other commodities. Kenya's well-developed tourism industry has surpassed coffee and tea as the top foreign exchange earner. In 1989 a continued decline in world coffee prices exacerbated a balance of payments problem. Although economic growth continued, a persistently high population growth rate contributed to a serious and growing problem of unemployment. Kenyans are free to engage in private economic activity and own property without government interference.

Human rights continue to be significantly restricted in Kenya, and in 1989 there was further erosion in the respect for civil liberties and political rights. With forced deportations, the environment for refugees worsened in 1989. By-elections were marked by government interference in support of particular candidates and, in some cases, violence. In addition, the Government banned two magazines, and Parliament barred the largest English-language daily from covering legislative affairs for a 4-month period. A number of persons were charged with behaving "in a manner likely to cause a breach of the peace," often in connection with making statements critical of the Government or of political figures. There were new charges of police brutality and also growing signs of executive manipulation of the judicial system. In early June, the Government released the seven political detainees held under the Preservation of Public Security Act which allows indefinite detention without charge or trial in national security cases. Eight persons were publicly tried and convicted on security charges (9 in 1988, and 39 in 1987).

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no political killings in 1989. However, deaths of suspects in police custody in suspicious circumstances

KENYA

continued to occur, including the death of former Nairobi student leader Titus Adungosi. The press reported that Adungosi died in Kenyatta hospital of a stomach ailment while serving a 10-year jail term for his complicity in the 1982 coup attempt.

Several deaths of prisoners held on other than security charges occurred during 1989. The Government generally conducts inquests into deaths in custody, though inquest results are not often made public. In February four of the five CID officers charged in connection with the 1988 death in Mombasa police custody of Zairian musician Taabu Kotela Kiombwe were found guilty of manslaughter and sentenced to 5 years each. In September the State agreed to pay Kiombwe's family damages in an out-of-court settlement.

By the end of 1989, no officials had been held responsible for the 1986-87 deaths in custody of two persons allegedly involved in the underground movement Mwakenya.

Human rights activists have also commented that over the past several years numerous suspects have been fatally shot by the police, allegedly while fleeing.

b. Disappearance

There were no reports of politically related disappearances in 1989.

c. Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment

Torture is proscribed under the Kenyan Constitution. However, torture and police brutality remained an important issue in 1989. While in 1989 there were markedly fewer public allegations of torture and abuse by persons held on political/security charges than in recent years, a number of Kenyans told the press they were physically abused by the police. Professor Maina wa Kinyatti, who was released from jail in 1988, told the U.S. press after fleeing Kenya that "people are still being put in water while in detention," (see Section 1.d.). President Moi and senior government officials publicly condemned police brutality and torture, and some police officials were convicted of human rights abuses in 1989.

Prison conditions in Kenya are poor and sometimes dangerous to life and health. Detainees and prisoners have complained of beatings, poor food, corruption, and inadequate facilities and medical care. Prisoners often must sleep on cement floors. Overcrowding persisted in 1989 and contributed to the rapid spread of meningitis among prisoners. In August the director of medical services said at least 20 inmates at Kodiaga maximum security prison and 12 inmates at Bungoma prison died of meningitis. The Government later provided inoculations for prisoners. In a directive aimed at reducing prison overpopulation, President Moi released 10,274 petty criminals in October on the 11th anniversary of his presidency.

The Preservation of Public Security Act (PPSA) allows for solitary confinement in security-related cases, with no contact with family or legal counsel, although in some cases lawyers and families have been permitted to visit detainees. Correspondence with prisoners is monitored and occasionally not delivered. Prisoners held on other than security grounds are allowed one brief visit per month by family members.

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Prison or security officers are usually present during visits by family members or lawyers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that most arrested or detained persons shall be brought before a court "as soon as is reasonably practicable," and that if such person is not brought within 24 hours of his arrest or from the commencement of his detention the burden of explanation is on the authorities. The Constitution was amended in 1988 to allow the police to hold people suspected of capital offenses for 14 days before being brought before a court. Capital offenses include such crimes as murder and treason. In practice, suspects of all types are often held incommunicado for long periods before being brought before a court.

Kenya's PPSA allows the State to detain a person indefinitely without charges or trial. A formal detention order must be signed and publicly gazetted. There is no judicial review of the legality of detention. Detention cases are reviewed by a board appointed by the President which meets in camera every 6 months, but the Government is not bound by this board's recommendations. In 1989 there were no new detentions under this Act, and in June President Moi released all seven detainees previously held.

In other cases, the number of which is difficult to gauge, people were held in police custody and questioned without being charged or officially detained under any specific authority. For example, in 1989 a former Member of Parliament was picked up by Nairobi police and questioned for 1 day. He was not charged or detained. Observers estimate that there are from four to eight people being held by Nairobi police in this fashion at any given time--some held for hours, some for days or even weeks.

Traditionally, neither exile nor threat of exile has been used by the Government as a means of intimidation or punishment. In June, however, Nairobi businessman Idris Osman, an ethnic Somali, was deported to Ethiopia for alleged activities incompatible with national interests and state security. Although Osman held a Kenyan passport, Kenyan authorities claimed his passport had been issued in an illegal manner. Osman was deported despite a court order to airport and immigration officials enjoining such action. In December two other ethnic Somalis were deported under similar circumstances.

A number of Kenyan dissidents have resorted to self-exile. In most cases, the exiles have not been formally charged with crimes. In April, fearing rearrest, historian and former university lecturer Maina wa Kinyatti fled to Tanzania and eventually emigrated to the United States. Kinyatti, who reported being beaten and otherwise mistreated in prison, had completed a 6-year jail term in October 1988 for possession of an allegedly seditious document. In June President Moi publicly announced a general amnesty and pardon to Kenyan dissidents abroad who were willing to return home. Two such exiles returned in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of fair Public Trial

Kenya's legal system, as defined in the Judicature Act of 1967, is based on the Kenyan Constitution, laws passed by

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Parliament, and common law or court precedent. Customary law is used as a guide in civil matters affecting people of the same ethnic group so long as it does not conflict with statutory law. Kenya does not have the jury system. The court system consists of a Court of Appeals, a High Court, and two levels of magistrates' courts where most criminal and civil cases originate. Civilians are tried in civilian courts, and verdicts may be appealed to the Kenyan High Court and ultimately to the Court of Appeal. Kenyans do not have a right to legal counsel except in certain capital cases. Most persons tried for capital offenses are provided counsel free of charge if they cannot afford it. Military personnel are tried by military courts, and verdicts may be appealed. Attorneys for military personnel are appointed on a case by case basis by the Chief Justice.

The President appoints the Chief Justice and appoints High Court judges with the advice of the judicial service commission. The President also appoints the Attorney General. His power over the judicial system has steadily increased through constitutional amendments adopted in 1986 and 1988, one of which gave the Government greater control over the firing of judges. Among other things, these changes give the President authority to fire the Attorney General, the Auditor General, and High Court judges. Many observers in Kenya and abroad have described these amendments as undermining the independence of the judiciary.

The constitutional right to a fair public trial has been circumscribed in many instances, notably in political/security cases such as those involving alleged Mwakenya or Kenya Patriotic Front (KPF) members. In cases involving the PPSA, the courts have upheld the constitutionality of properly executed actions taken under the authority of that Act but have limited themselves to ensuring compliance with procedural provisions. In cases without political implications the right to a fair public trial is normally observed, although long delays and postponements are common.

In 1989 there were 8 public convictions involving security charges. In the first public prosecution in 1989 involving membership in a subversive organization (in this case, the KPF), Zachary Kariuki Paul Mwati admitted in court to three charges of spying on Kenyan military installations, receiving money from self-exile Koigi wa Wamwere, and sending seditious documents to the British Broadcasting Corporation (BBC). Mwati was held incommunicado before appearing in court. As in most security-related trials of previous years, his conviction was based on his "confession" that he was a KPF member. Unrepresented, Mwati was sentenced to 4 years.

In March Joseph Andrew Kibagendi and James Ondari Omariba were given 9 months each after being tried and convicted of possession of a subversive document. Both men had legal representation. Also, in March Daniel John Mwangi Theuri was jailed for 20 months on his confession in court that he joined the KPF. He was unrepresented.

In October Dixon Jowe Alieth, unrepresented by legal counsel, was sentenced to 6 years in jail for possessing seditious publications. Also in October, prison warden Wilson Awuor Angonga was jailed for 4 1/2 years for membership in the underground movement Mwakenya. Angonga, who also was not represented by a lawyer, was held incommunicado for approximately 4 weeks before he pled guilty.

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In November former primary school teacher Benjamin Andayi Muhehe was sentenced to 12 months in jail after confessing to a charge of leaving Kenya illegally to obtain military training from a clandestine movement. Muhehe was held incommunicado for more than a month. He, too, apparently was not represented by a lawyer. Also in November, former community development officer Stephen Mulili Kituu pled guilty and was sentenced to 4 years for membership in Mwakenya. Kituu, who had been held for 1 month before being sentenced, was apparently not represented by legal counsel.

The draft version of the advocates bill which went before Parliament in December contained no requirement that lawyers obtain licenses. The Law Society of Kenya had argued vigorously against the 1988 Government proposal that lawyers be licensed. However, in December, the Kenyan press reported that KANU planned to affiliate the Law Society to the ruling party. The Law Society objected strongly to the proposed affiliation, and President Moi later said that KANU had no plans to merge the two organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Searches without warrants are allowed under the Constitution in certain instances "to promote the public benefit," including security cases. Security officials also conduct searches without warrants to apprehend suspected criminals or to seize property suspected to be stolen. Homes of suspected dissidents have been searched without warrants, as have the residences of foreign missionaries. Security forces reportedly employ a variety of surveillance techniques, including electronic surveillance and a network of informers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and press, the exercise of these rights is restricted. No criticism of the President is tolerated in any form. Kenya's sedition laws have been criticized in Kenya and abroad for failing to distinguish between violent and nonviolent opposition to the Government. The threat of detentions and prosecutions have been used to restrict freedom of speech and press. For example, in April three Standard newspaper reporters were picked up by police on separate occasions in and around Embu, in apparent response to their coverage of a political controversy involving KANU and a local bishop.

In 1989 there was an increasing pattern of arrests on charges of behaving in a manner "likely to cause a breach of the peace," often in connection with statements critical of the Government or government officials. For example, in June a man was jailed for 6 months for shouting in a bar that the Government had failed to assist two self-exiles. In September a high school business teacher was jailed for 3 months for saying that the head of the civil service should "drop dead" as he was misadvising the President.

Parliament rarely debates national issues such as foreign policy. Government and KANU action against outspoken politicians, clergymen, and lawyers, as well as the detention provisions of the PPSA and the 1988 amendment, discourage public exchange of views on political topics the Government

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considers sensitive. Sharp government criticism of churchmen who opposed government policies continued in 1989 (see Section 2.c.). At the end of the year, the leader of the Green Belt movement was heavily criticized by politicians and government officials for her criticism of the plan to construct a 60-story building on open space in central Nairobi. The movement was evicted from its government-owned headquarters on 1 day's notice (see also Section 5).

The single television and all radio stations are owned and controlled by the Government. In June after the Daily Nation newspaper was barred by Parliament from covering house proceedings, the Voice of Kenya Press Review program dropped its coverage of Nation news stories, allegedly on State House instructions, for the 4-month period the Nation was barred. Previously the Press Review program had highlighted main articles in all three English-language dailies.

Privately owned newspapers and journals are published in Kenya, and newspapers, magazines, and books from abroad are readily available. There is no systematic censorship of the press, although the press practices self-censorship and confines its commentary within usually understood but legally undefined limits. The press criticizes some government policies and occasionally government officials but never the President.

At times the Government intervenes to tell editors how to handle sensitive stories. As former Assistant Minister in the now-defunct Ministry of National Guidance and Political Affairs Shariff Nassir commented, "although there is press freedom in Kenya, editors should not be left to write whatever they want." In December 1988, Financial Review editor Peter Kareithi was picked up from his office by plainclothes police, locked up for several hours, questioned, and then released. Later, in April 1989, this popular weekly news/economics publication was banned after it published controversial articles on the Government's economic policies. Financial Review Limited, publishers of the magazine, were also proscribed from publishing under any other trade name.

In August the Government banned another magazine--the Nairobi monthly Development Agenda. The magazine, only two issues old, focused on the economy and current events. Unlike the negative publicity which preceded the banning of the Financial Review, the banning of Development Agenda occurred with no warning; no Kenyan, official or private, had publicly criticized the publication prior to its banning, and the Government made no effort to explain the banning or offer any justification for it.

The most salient example of curbs on press freedom occurred in June when Parliament barred for 4 months the largest-circulation English newspaper, Daily Nation, from covering proceedings of the National Assembly. Parliamentary criticism, which appeared to be well-coordinated, echoed criticisms which had been made by the President several weeks earlier. Members of Parliament (all of whom belong to KANU) debated accusations against the paper's owners and editors, including biased, inaccurate, and critical reporting; foreign ownership (with a subtheme of encouraging foreign reporting against Kenya's interests) and an unduly high percentage of ethnic Kikuyu management.

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In August, after a year of court delays, the Government conceded the appeal of Bedan Mbugua, former editor-in-chief of the proscribed Christian magazine Beyond (banned last year). Mbugua had been charged and convicted of failure to file annual financial returns. However, it was widely believed that the real reason for the banning was his publication of an article criticizing queue voting and KANU's conduct during the 1988 elections. Mbugua had served 14 days of his 9-month sentence before being released on bail pending appeal. The judicial procedure followed in Mbugua's case was highly irregular. Rather than make a determination on the merits of the appeal, the deputy public prosecutor requested that the court set aside the conviction and sentence. Beyond magazine remained banned at the end of the 1989.

More than 100 foreign journalists representing Western news organizations are based in Kenya. In 1989 the Government continued to criticize the foreign press for its coverage of Kenyan issues. Local reporters increasingly came under attack as well.

While there are no legal restrictions on academic freedom, there are a number of de facto ones. The Government has employed students and professors to monitor classroom exchanges. Past detentions and trials of students and professors for alleged seditious activities have inhibited academic inquiry that might be construed as critical of the Government.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly, while provided for in the Constitution, is seriously limited by the Public Order and Police Act, which gives authorities power to control public gatherings, defined as meetings of three or more persons. It is illegal to convene an unlicensed meeting, and politicians have been arrested for violations of this Act. Although licenses to hold public meetings are rarely denied, Bishop David Gitari had difficulty obtaining permits to conduct fundraising meetings for his church. Bishop Okullu was roundly criticized by the Government for supporting the right of students to protest peacefully.

Freedom of association is governed by the Societies Act which states that every association must be registered or exempted from registration by the registrar of societies. Some groups have had difficulty obtaining registration or have been deregistered. With the exception of civil servants, who are required to join KANU, Kenyans are not legally bound to join any political organization. Although the party and the Government emphasize that it is voluntary, KANU party membership is a prerequisite for voting and holding public office. No other political party is permitted.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Kenya has no state religion. Freedom of worship is acknowledged in the Constitution and generally allowed. Foreign missionaries of many denominations are permitted to work in Kenya, though on occasion the President and other officials have publicly questioned the motives of certain missionaries and accused them of interfering in politics.

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Four American missionaries were deported in 1989. The four were affiliated with Associated Christian Churches of Kenya (ACCK), a U.S.-based missionary group which was deregistered in 1988. The Government maintained that the four missionaries were working in Kenya illegally.

Churches new to Kenya must obtain government approval to be registered. The Church of Jesus Christ of Latter-Day Saints has tried without success for 8 years to obtain registration. In 1987 the Jehovah's Witnesses were deregistered but continued to hold services under a stay order from the High Court.

There is no religious requirement for voting or holding office. Clergymen in Kenya have spoken out on political as well as religious issues from their pulpits. In 1989 senior officials sharply criticized certain clergymen, including Anglican bishops Alexander Muge, Henry Okullu, David Gitari, and Presbyterian Church of East Africa Reverend Timothy Njoya for making political statements. In April, 30 armed thugs raided Bishop Gitari's home, and KANU youths disrupted a sermon given by the prelate. The attacks came after Gitari referred in a sermon to the blatant rigging of the February elections in Kiharu district. The results of a State House-commissioned police inquiry into the attack on Gitari's house, which allegedly found that the raid was organized by a local government official, were not made public. In August Reverend Timothy Njoya was summoned to appear before the Nyeri District security committee and questioned for nearly 4 hours.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Although most Kenyans can travel freely within the country, the Government has in the past used the PPSA to limit the movement of persons deemed to be dangerous to the public security. Persons traveling by road to sections of Northeastern Province are required, due to the prevalence of highway banditry in the area, to travel in convoys headed by Kenyan police.

Kenya does not generally prohibit emigration of its citizens but on occasion does prevent travel abroad, usually by critics of the Government. In particular, it sometimes refuses to return passports or issue new ones to people detained under the PPSA for some time after they are released. The Government does not regard the issuance of passports to citizens as a right and reserves the authority to issue or deny passports at its discretion. In 1989 lawyers Gibson Kamau Kuria and Paul Muite were still unable to obtain their passports. Kuria, who had been jailed for 9 months in previous years after defending three political detainees, has been forbidden to leave Kenya since his arrest 2 years ago (see Section 4).

During 1989 there was no known instance in which citizenship was revoked for political reasons. In the case of Idris Osman, an ethnic Somali, the Government alleged that he had obtained his Kenyan passport by illegal means (see Section 1.d.). In December two additional ethnic Somali businessmen were deported under similar circumstances.

In 1989 Kenya continued to accept some refugees for permanent resettlement, though its acceptance rate dropped from 90 percent in 1988 to under 10 percent in the first half of 1989,

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subsequently increasing to 50 percent for the rest of 1989. In 1989 the Kenyan Government stopped accepting virtually all Ugandans for permanent resettlement. On April 5, Kenyan officials entered a refugee camp outside Nairobi, rounded up 238 Ugandan refugees, and forcibly returned them to Uganda. Although the United Nations High Commissioner for Refugees (UNHCR) protested the deportations, the Kenyan Government publicly maintained that the refugees had volunteered to return to Uganda.

In September an estimated 3,000 Somalis fled into northeastern Kenya near the town of Liboi to escape fighting around the Somali border town of Doble. In late September, 60 Somali refugees were involuntarily returned to Somalia. During this time the Government refused to permit the UNHCR and the Kenyan Red Cross to travel or provide food to the Liboi area. In November the Government reversed its decision and decided to permit the UNHCR and the Red Cross to travel to the area. By the end of the year unfavorable weather conditions, an impassable road, and a flooded airstrip prevented UNHCR travel to the border.

In an effort to control the refugee presence (around 12,000), the Government initiated a series of procedures which confined mandated refugees (i.e., refugees not accepted by Kenya and awaiting resettlement to a third country) to the Thika refugee camp. The Government also started limiting refugee cards to 2 years' duration rather than giving refugees indefinite or permanent resettlement.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens cannot change the system of government in Kenya or replace the party in power through the electoral process. The Constitution prohibits formation of any political party other than KANU, and President Moi and a small group of advisers control all major policy decisions within the Government and the party. Since 1964, when Kenya adopted a presidential system, the party's candidate for President has been unopposed. President Moi was reelected in 1988 to a third 5-year term. Numerous candidates compete in party and parliamentary elections--also held every 5 years--but all candidates must be KANU members, and the national party headquarters has exclusive authority to approve candidates for political office.

In 1988 KANU adopted a controversial queuing system for electing KANU nominees. It requires voters to line up in public behind photographs of the candidates. Only those voters who have KANU membership cards are permitted to participate in the nomination process. KANU members comprise at most 50 percent of the voting age population. Candidates who receive 70 percent of the vote in the queuing stage are automatically elected without having to contest the second-stage secret ballot election. In the 1988 elections, one-third of the candidates were elected in this manner.

The public nature of the queuing process continues to raise obvious questions about voter intimidation. In the 1988 elections none of the candidates known to be critical of government/party policies was elected. Allegations regarding the abuse of secret ballots continue as well. There were 24 petitions filed contesting the results of the 1988 races. The High Court did not begin hearing the petitions until 1 year

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after the elections: 10 were withdrawn by the petitioners, 11 were dismissed by the High Court on technical grounds, and 3 were won by the petitioners.

KANU party branches, which often take their cues from State House, have the power to suspend or expel members from the party. There are no clear guidelines for activities requiring disciplinary action. Thus party officials wield significant power and can remove their political opponents from the party. Since party membership is required to hold public office, expulsion from KANU signifies political death, at least for the short term. Expelled officials may eventually be allowed back into the party but then are expected to adhere to party policies.

In an extensive June 1989 KANU purge, 14 party members, including former Vice-President Josephat Karanja, several former cabinet ministers and 4 sitting Members of Parliament were expelled from the party, thereby precluding their participation in Kenyan politics. By-elections were held to fill six vacant parliamentary seats. In two constituencies, the voting was marred by violence and allegations of polling irregularities. In two others, it was characterized by voter apathy and extremely low turnouts.

The February by-election in Kiharu (necessitated by a resignation from Parliament in December) was perceived by many Kenyans as the most blatantly unfair of recent political contests. In that by-election G.M.K. Mweru was declared the winner (over Julius Kiano) with over 70 percent of the queue vote in the party election, although the press reported credible accounts which indicated that Mweru actually polled no more than 800 votes to Kiano's approximately 9,500. (Kiano was later named to head the Kenya Broadcasting Corporation.) Local KANU officials who spoke out against the election results later recanted after being threatened with expulsion from the party. Despite protests by local KANU party and church officials and petitions circulated among voters, the results in this election were sustained.

The Sabatia seat left open by Moses Mudavadi's death was filled by Mudavadi's son, Musalia Mudavadi, without an election. KANU party officials exhorted voters to elect the young Mudavadi unopposed. The candidates who had voiced an interest in the seat backed out of the race, thereby paving the way for Mudavadi to take the seat without a contest.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government reacts negatively to criticism of its human rights record and discourages Kenyans from providing outside human rights groups with information. President Moi has publicly attacked Amnesty International and other groups for "meddling" in Kenya's internal affairs.

In December 1988, two American lawyers from the Lawyers Committee on Human Rights sought and obtained high level appointments with government officials to discuss human rights concerns. In March a delegation from the Robert F. Kennedy Memorial Center visited Kenya to present lawyer Gibson Kamau Kuria with the RFK human rights award. The group met with President Moi and other high-ranking government officials and was able to move about freely in Kenya to speak to human

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rights advocates. Although the presentation of the award was freely conducted before a large audience, the press conference given by Kerry Kennedy on their last day provoked a series of virulent anti-Kennedy parliamentary speeches and a week-long anti-Kennedy press campaign.

Several Kenyan organizations, such as the Law Society of Kenya and churches, address issues related to human rights, but none focuses exclusively on human rights concerns. Kenya has not ratified the Organization of African Unity's Human and People's Rights Charter, adopted in 1981 in Nairobi.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Kenya is a diverse country that does not mandate legal discrimination on the basis of race, sex, religion, language or social status. However, in November the Government required all Kenyans of ethnic Somali origin to go through a screening program designed to weed out illegal Somali aliens, who, because the international border traverses areas traditionally inhabited by ethnic Somalis, are indistinguishable from Kenyan nationals of Somali origin. The Government stated the screening was triggered in part by security-related incidents (game park poaching and attacks on tourists) in areas accessible from Somalia. As part of this campaign the Government required Kenyan ethnic Somalis to carry an additional form of identification stating that they have proven themselves to be Kenyan citizens. They are the only ethnic group in Kenya required to do so. Some ethnic Somalis have refused to participate as a matter of principle. The clergy, the Law Society of Kenya, and members of the ethnic Kenyan Somali community criticized the screening process as discriminatory and illegal.

Members of all ethnic groups may run for office, and ethnic representation at the minister and assistant minister level is broad. Twelve of Kenya's ethnic groups are represented in the Cabinet. Members of 18 indigenous ethnic groups and 1 Caucasian hold positions at the assistant minister level.

The Asian community, numbering about 65,000, accounts for a disproportionate share of the nation's economic wealth and output. The Government's policy of Africanization of the economy has resulted in some Asian emigration. Kenya amended its citizenship law in 1984, depriving some Asians and Europeans of citizenship. Under present law, persons born in Kenya of non-Kenyan parents can no longer claim citizenship.

There is no legal discrimination against women, but traditional culture and attitudes have long prescribed limited roles for women. For example, in responding to criticism of the Government by an environmental group (led by a female professor) President Moi in December stated that the African tradition is for women to respect men. Women may own property and businesses. Women's roles are particularly restricted in rural areas where they account for 75 percent of the total agricultural work force.

Polygamy is not legal for people married under the Christian Marriage Act, but it is permitted for those who marry under African customary law. Kenya's law of succession, which governs inheritance rights, provides for equal treatment of male and female children (in contrast to much customary law which favors the eldest male children).

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Violence against women, especially wife beating, has emerged in Kenya as a fairly widespread and growing problem, according to many doctors. While there are legal remedies, police and judicial authorities are sometimes reluctant to intervene or prosecute husbands who physically abuse their wives. The Government has done little to address this issue beyond general support to women's organizations. In the case of female circumcision, which is still practiced by some Kenyan ethnic groups and is not illegal, the Government officially discourages the practice but leaves it to women's groups to actively oppose female circumcision through health education programs. In December President Moi publicly asked Kenyan communities which still circumcise women to stop the practice. Moi called female circumcision "outdated" and said it was "unacceptable in modern Kenya."

Section 6 Worker Rights

a. The Right of Association

Civil servants, who comprise 21 percent of total wage earners (and 41 percent of public sector wage earners) in Kenya, have been barred from forming or joining unions since President Moi deregistered their union in the early 1980's. Moreover, since 1985 all civil servants have been required to be members of the ruling party, KANU. Other workers are, by law, free to form and join unions but, except for the Kenya National Union of Teachers (KNUT), all unions must belong to the single trade union confederation, The Central Organization of Trade Unions (COTU). KNUT is a separate organization that maintains "fraternal" relations with COTU. During 1989 the Government considered affiliating COTU to the ruling KANU party. In May 1989 the Government decided that COTU and KANU should "cooperate" rather than be affiliated. The Government, COTU, and KANU agreed that there should be no interference by the party in the collective bargaining process.

The Committee on Freedom of Association (CFA) of the International Labor Organization (ILO) has discussed the ban on civil service trade unions for the last several years. In early 1989 the CFA expressed concern at the length of time the Government was taking to follow through on the implementation of "measures to permit the establishment of organizations through which the Kenyan civil servants will be able to pursue normal trade union activities" and asked for an update on the plans originally promised in 1987.

The Government and KANU exercise considerable influence over COTU and through COTU the entire trade union movement. The President has the right to appoint or remove union leaders in COTU for the positions of the Secretary General, the Deputy Secretary General, and the Assistant Secretary General, though it should be noted that the President has not exercised this right and has permitted the unions to select COTU leaders. Union leaders are discouraged but not prohibited from holding political positions. Currently Sam Muhanji, the General Secretary of the Kenya Union of Food, Commercial, and Allied Workers (the largest union in Kenya) and W. Ndumbe, the General Secretary of the Local Government Workers Union are Members of Parliament.

The only workers prohibited by law from striking are members of the armed forces, the police forces, the prison service, and the national youth service. Other workers have the right to strike 21 days after a written report of the dispute is

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submitted to the Minister of Labor. However, this right is limited by the broad power given the Minister by the Trade Disputes Act whereby the Minister has the authority to require the two parties to go to the industrial court for mandatory arbitration of their differences. Public sector workers are not specifically prohibited from striking, but the Minister of Labor enjoys broad authorities to prohibit public sector strikes. In 1988 there were 92 strikes, mostly illegal wildcat work stoppages occurring at a local level over specific issues, often without permission from the national union and often without providing the Minister with written notification. The Government has not prosecuted trade unionists involved in these wildcat strikes unless criminal activity such as vandalism has taken place. The last public sector strikes in Kenya occurred in 1986 when there were two strikes involving 41 workers with 35 workdays lost.

COTU is affiliated with the Organization of African Trade Union Unity and maintains relations, though not affiliation, with the International Confederation of Free Trade Unions (ICFTU). It sends observers to meetings of the ICFTU and the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and is freely practiced throughout the country. The only government restriction on collective bargaining is that wage settlements not exceed 75 percent of the rate of inflation. Between 300 and 400 collective bargaining agreements are registered with the Government every year and cover most of Kenya's nonagricultural wage sectors. Most public sector workers are covered by collective bargaining agreements but not the large numbers of civil servants (and some university professors defined as "management"). Although no statistics are available, it is estimated that over 50 percent of Kenya's wage workers fall under a collective bargaining agreement, though less than 20 percent are union members. Kenya does not permit closed shops, and unions have been complaining for years over the problem of "free riders." Although no export processing zones exist at the moment, the Government plans to open two in the near future. No restrictions on worker rights are planned in these zones.

The Government promotes voluntary negotiations between employers' and workers' organizations and encourages workers to join unions. Both in law and practice, union officials are protected against discrimination or penalties based on their union activities. There is an industrial court that would hear such complaints, although there have been none in recent years.

c. Prohibition of Forced or Compulsory Labor

Under the Chief's Authority Act, a local authority can require the performance of limited communal activities for the benefit of the local community. While this provision is rarely invoked, the ILO Committee of Experts has called on the Government to bring this Act into conformity with ILO Forced Labor Conventions (to which Kenya subscribes) and has noted that talks are continuing for the introduction of the necessary amendments. There are a number of provisions in other legislation (e.g., Penal Code, Public Order Act, Prohibited Publications Order, Merchant Shipping Act, and the

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Trade Disputes Act) which the Committee has found to be inconsistent with the Conventions.

d. Minimum Age for Employment of Children

The legal minimum age for employment is 16. Employment and working conditions in some occupations are limited for those under 18. The minimum age regulations do not apply for agricultural employment, where many children work on family farms, or for domestic work. Although enforcement of child labor laws is lax, child labor is not a problem in the industrial sector or in dangerous occupations given Kenya's high unemployment rate. The Ministry of Labor has difficulty enforcing minimum age laws.

e. Acceptable Conditions of Work

Over 80 percent of the Kenyan work force does not hold jobs in the wage sector and is not covered by minimum wage law. For those covered, there is a complicated minimum wage scheme which is divided by age, locale, and occupation. Currently the minimum wage (last revised June 1, 1989) ranges from \$14.50 per month for a rural unskilled worker under age 18 to about \$82 dollars per month for a cashier in Nairobi or Mombasa. Wage earners get additional benefits including a 15-percent supplement for housing which is not included in the above minimum wages. A Nairobi wage earner making \$50 per month would have a great deal of trouble providing for his family--which most likely is very large since Kenya has one of the highest birth rates in the world. Many families supplement a wage earner's salary by selling agricultural produce or by having additional family members in the work force.

The standard legal workweek in Kenya as defined by the regulation of wages order is 52 hours over 6 days, except for night duty workers who can be employed for up to 60 hours per week. Agricultural workers are exempt from this order. Kenyan labor law requires weekly (not daily) rest periods, full payment for public holidays, 21 days of paid annual leave per year, sick leave (7 days of full pay and 7 additional days of half pay) and 2 months at full pay of maternity leave, though women using maternity leave lose their annual leave for that year. Observance of these regulations is mixed and the Ministry of Labor, which has the obligation to enforce them, acts on the basis of complaints, which are few.

The Government does set health and safety standards for factories, the construction industry, and docks. However, the law does not cover the large agriculture work force where many workers are exposed to dangerous pesticides. The Government is considering a revision of the "factories act" which will expand the act's coverage into the agricultural sector and will update its standards to include regulating the use of new chemical products.

Enforcement of health and safety standards remains a problem. Safety and health inspectors have the legal power to "enter, inspect, and examine, by day or night" a factory where he or she has "reasonable cause" to believe there may be a violation. Inspectors usually respond to worker complaints and try to enforce standards, but rarely do they make surprise inspections of factories. The "factories act" does not contain any language protecting workers who file complaints.

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A six-member Military Council, led by Major General J. M. Lekhanya, has ruled Lesotho since seizing power in a coup d'etat in 1986. The Military Council is firmly in control of the State, but it formally conferred all legislative and executive power on Moshoeshoe II, the previously powerless King of Lesotho. The Military Council and the King rule by decree; however, a predominately civilian appointed Council of Ministers administers the day-to-day operations of government. During 1989, while local elections were held, the military regime continued its ban on genuine political activity and gave no indication of its intention to restore constitutional rule, which was abolished by former Prime Minister Jonathan in 1970.

The Royal Lesotho Defense Force (RLDF) of about 2,000 troops is responsible for internal and border security. The RLDF is assisted by a small police force of roughly equal size. Public security stabilized in 1989, and the Government ended in August its 1988 state of emergency (SOE) against crime.

A landlocked country completely surrounded by South Africa, Lesotho is almost entirely dependent on its neighbor for trade, finance, employment, and access to the outside world. Approximately 60 percent of the adult male labor force is employed in South Africa's mines, and remittances from workers (more than \$230 million in 1988) are a critical factor in financing imports.

Human rights in Lesotho in 1989 remained circumscribed. Major concerns included: the use of preventive detention without trial to blunt opposition political activity and restrictions on freedom of speech, assembly, and the right of citizens to change their government through democratic means. In 1989 Military Council Chairman Lekhanya was exonerated for shooting to death a 20-year-old university student who was allegedly fleeing from the campus scene of an attempted rape of a local woman (see Section 1.e.). In a significant development, the Government in February permitted the return of Basutoland Congress Party (BCP) leader Ntsu Mokhehle, following nearly 15 years of political exile, together with hundreds of his followers who were peacefully reintegrated into the local society.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The Government made no progress in identifying the perpetrators or their motives for the brutal 1986 murders of former Ministers of Information and Foreign Affairs, Desmond Sixishe and Vincent Makhele, and their wives. However, a judicial inquiry to investigate the killings was convened in November 1989. Amnesty International has also continued to press for inquiries into the suspicious 1988 deaths, while in custody, of Samuel Hlapo, a hijacker, and Mazizi Maqokesa, a South African exile member of the African National Congress.

During 1989 a number of apparently politically motivated murders took place in several rural areas of southern Lesotho,

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along the border with the South African homeland of Transkei. On June 9, a passenger bus traveling from Xixondo to Quthing was attacked by five unknown gunmen. Three people were killed, four injured, and the bus was set on fire. In early August, a military vehicle was attacked along the Quthing-Mount Moorosi road by three unidentified gunmen, although no one was killed or injured. Later in the year, at least seven people, mostly merchants and shopkeepers, were killed by unidentified gunmen in the Mohale's Hoek district. Authorities believe that a Transkei-based renegade faction of the Lesotho Liberation Army (LLA), which broke with the BCP and repudiated the leadership of Ntsu Mokhehle, was responsible for the killings. This is the same group held responsible for a 1988 Maseru bus hijacking in which five people--three hijackers and two hostages--were killed.

b. Disappearance

There were no reports of politically related disappearances in 1989. Independent and church-affiliated newspapers reported several abductions by South African authorities in Lesotho. Victims reportedly included both criminal suspects and political targets. The Government neither condones nor collaborates with South Africa in these alleged operations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

SOE powers were exercised arbitrarily in some cases; in 1988 there were frequent reports of police beatings, ill-treatment, and even death of some suspects in custody. The police were granted immunity under emergency regulations against prosecution for any acts committed in the course of their duties. Excesses by law enforcement agencies continued to occur in 1989, including false arrests and ill-treatment of suspects. These excesses, however, did not occur with the same frequency as during the early period of the SOE. Several police officers were tried and convicted for human rights abuses during the year.

d. Arbitrary Arrest, Detention, or Exile

Lesotho declared the SOE in February 1988 as a measure to combat rising crime. In April 1988, the High Court annulled the SOE on the basis that the emergency had been illegally declared. Eleven days later, however, the Government renewed the SOE, and the SOE remained in force until August 1989. The Government briefly considered renewing the SOE in December.

The SOE gave the police extensive powers of arrest, search, and seizure without a warrant. Persons suspected of armed robbery and certain other criminal offenses could be detained for up to 14 days and for longer periods on order of the Minister of Defense and Internal Security. Under the emergency regulations, an arrest without a warrant could be made on grounds of "reasonable" police suspicion of the commission of a specified crime. The regulations provided no standards for determining reasonableness, however, and the lack of early judicial review left open the possibility of essentially arbitrary detention.

Even during the SOE, established procedures remained in effect for normal civil and some criminal cases, including the right of a detainee to an early determination of the legality of his detention. The 1981 Criminal Procedures and Evidence Act, as

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amended in 1984, makes provision for the granting of bail. Under the Act, the High Court is the only judicial body empowered to grant bail in cases of armed robbery or suspected homicide.

In political cases, the Internal Security (general) Act (ISA) of 1984 applies. This Act provides for so-called investigative detention without charge or trial for up to 42 days (the first 14 days on order of the police; the second 14 days on order of the police commissioner; and the final 14 days on order of the Minister of Defense and Internal Security). Detainees may be held incommunicado up to 14 days. During the second stage of the detention, ministerially appointed "advisers" (all government employees to date) report on the health of the detainee, investigate whether the detainee has been involved in subversive activities, and advise the Minister of Defense and Internal Security of the need for continued detention. Detainees under the Act may make representation about their own treatment only through the adviser. The Act also allows for detention of witnesses in security cases.

In addition, a 1986 amendment to the ISA allows the Minister of Defense and Internal Security to "restrict" a person, who, in the opinion of the police commissioner, is conducting himself in a manner prejudicial to public order, security, administration of justice, or obedience to the law or lawful authority. A restriction order limits the movements of a restricted person to a certain location and to certain hours of the day and may prohibit association or communication with other persons.

The Government twice invoked the ISA against perceived political opponents during 1988-1989. One case involved Johnny Wa Ka Maseko, a South African-born editor of the independent newspaper, The Mirror, who was deported from Lesotho in December 1988 after publishing a series of articles on alleged government corruption. Maseko, who had lived in Lesotho since 1980 as a political refugee, was first arrested on October 27, 1988, on charges of criminal defamation. He was released on bail the same day but was rearrested on November 14, held for 4 weeks under the ISA, and then deported for alleged subversion and espionage.

The second case involved Joel Moitse, a university lecturer and former cabinet minister in the previous government, and Majora Molapo, a civil servant in the previous government, nephew of the late Prime Minister Jonathan, and active in the banned Basutoland National Party. The two were detained in May following the publication of a highly critical political tract against the King and his Government. Moitse was released from detention on June 7, just as his detention was being challenged in the High Court. On his release, Moitse was immediately issued with a restriction order and confined to his family residence. The order was lifted after 6 days, but it was the first known restriction order issued by the military Government. Malapo was subsequently released without restrictions.

The military Government's general amnesty for exiled Basotho remained in effect. Following secret negotiations in late 1988, BCP leader Ntsu Mokhehle returned to Lesotho in February 1989. The core element of the BCP military wing, the LLA, was disbanded, except for a small dissident group reportedly based in the Transkei. The return of Mr. Mokhehle and most of his

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followers represented a major achievement for the Government's policy of national reconciliation. There was no indication in 1989 whether Mokhehle would be permitted to engage in political activity.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary consists of the Court of Appeal, the High Court, magistrate courts, and customary or traditional courts, which exist largely in rural areas to administer customary law. Court decisions and rulings are respected by the authorities and are generally free of interference by the executive. Accused persons have the right to counsel and public trials. The courts have acted to limit infringements of law on numerous occasions in past years, e.g., its April 1988 annulment of the SOE on procedural grounds (but which the Government quickly reinstituted). Under the system of Roman-Dutch law applied in Lesotho, there is no trial by jury. Criminal trials are normally adjudicated by a single High Court judge who presides with two assessors, who serve in an advisory capacity. In civil cases, judges normally hear cases alone. The High Court also provides procedural and substantive advice and guidance on matters of legal procedure to military tribunals; however, it does not participate in arriving at judgments. Military tribunals have jurisdiction only over military cases.

A judicial inquest is initiated by the Attorney General on the authority of the Judicial Inquest Proclamation Number 32 of 1954. In the Lekhanya case, the Chairman of the Military Council shot and killed a 20-year-old university student as the student was allegedly fleeing from the scene of an attempted rape of a local woman. After a controversial 2-month judicial inquest into the circumstances of the death, during which General Lekhanya testified and submitted to cross-examination, the Chairman was exonerated following a judicial finding of justifiable homicide.

There were no known political prisoners in Lesotho at the end of 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both the 1988 SOE regulations and the ISA provide police with wide powers to stop and search persons and vehicles and to enter homes and other places for similar purposes without a warrant. In 1989 there were some reports of violations of individual privacy by state authorities, but these were greatly reduced from the number reported during the 1988 SOE.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Human Rights Act of 1983 provides for freedom of expression but subordinates this freedom to the needs of national security. Following the 1986 coup, a formal ban on politics was announced with stringent restrictions on freedom of speech and political assembly. In particular, Government Order No. 4 prohibits persons and groups from making political speeches and from publishing or distributing political party materials.

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Despite the ban on organized political party activity, political activists met privately in 1989, and leaders of Lesotho's five principal political parties made individual or joint statements criticizing the military Government and calling for a restoration of civilian rule. Except for the cases of Moitse and Molapo, the Government made no attempt to inhibit such political discussion or activity.

The Government controls the official media (one radio station and a weekly newspaper) and ensures that they faithfully reflect government views. However, the Government rarely uses them to attack its critics, and opposition viewpoints were routinely expressed in 1989 in two Sesotho-language weekly newspapers published by the Roman Catholic Church and the Lesotho Evangelical Church. Also, despite deportation of the editor of *The Mirror*, it continued to be published in 1989, and was sometimes critical of the Government.

b. Freedom of Peaceful Assembly and Association

The military Government's ban on "politics" was not interpreted to require the dissolution of existing political parties, but the ban does preclude political gatherings and rallies. Nonpolitical organizations and professional groups are freely formed, even encouraged, and are allowed to hold public and regular meetings.

For a discussion of freedom of association as it applies to labor organizations, see Section 6.a.

c. Freedom of Religion

There is no state religion in Lesotho. Free and open religious practice is permitted and encouraged. Christianity is the dominant faith of the majority of Basotho, and Roman Catholicism is preeminent. There is a significant Protestant minority composed of the Lesotho Evangelical Church, the Anglican Church, and a number of other smaller denominations. Conversion is permitted, and there is no apparent social or political benefit or stigma attached to belonging to any particular church. There are no bars to missionary activity or work by foreign clergy.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are allowed to move freely within the country and across national boundaries. There were instances in recent years, however, in which the Government restricted passports for political reasons, but none occurred in 1989. Liberal emigration policies exist, and the Government places no obstacles in the way of its own citizens who wish to emigrate.

The refugee flow from South Africa slowed dramatically in recent years to only a few refugees per month. In 1989 there were only 56 refugee cases, 45 of which were South African. In these cases, persons have been treated fairly, consistent with Lesotho's international obligations. Refugees affiliated with South African liberation movements, however, were given expeditious transit to third countries for resettlement. More than 300 refugees without this affiliation have been allowed to resettle in Lesotho.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens of Lesotho currently do not have the freedom to change the existing government, nor do they play a role in national decisionmaking. The military Government, which assumed power in 1986, announced that it intends to remain in power until peace and national reconciliation are fully restored. Neither a time frame for this process has been set, nor has any schedule been announced for constitutional discussions, elections, and a return to civilian rule. Elections for local development councils were contested by persons not officially affiliated with political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been unresponsive on human rights issues, particularly when the call for outside investigation emanates from the domestic political opposition. Representations by several influential human rights and media organizations in the Maseko deportation case had no effect, but similar appeals, including from the National University of Lesotho staff association, may have been a factor in the decision to release professor Joel Moitse.

There are no internal human rights organizations, either official or nongovernmental. Reports of alleged human rights abuses are sometimes carried in the local press, particularly the church newspapers and Lesotho's sole independent weekly, The Mirror.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Most citizens of Lesotho speak a common language and share common historical and cultural traditions. Nonindigenous citizens have generally married into the Basotho nation, which tends to be inclusive and assimilative. Expatriate communities are small and are not considered to be a major factor in the country's political life. Asians (primarily ethnic Chinese and Indians) and South African whites are active in the country's commercial life. In 1987 the military Government formulated a policy aimed at "localization" of Lesotho's commercial retail trade, and, under the trading enterprise order, called on foreign owners to enter into joint ventures with Basotho nationals. Equity transfers would entail compensation. To date, the "localization" order has not been strictly enforced, due largely to difficulties in identifying local entrepreneurs to take over expatriate-owned businesses and in financing such take-overs, and to concern over foreign reaction.

Political exiles from South Africa, who are often viewed as magnets for South African political or military intervention in the country, are sometimes allowed to remain in Lesotho on condition that they neither engage in political activities nor speak openly and critically about the political situation in South Africa.

The Government has still not seriously addressed the issue of women's rights. In Lesotho these rights are severely limited by both law and custom, including in the area of property, inheritance, and contracts. Under Lesotho's customary law, a

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married woman is considered a minor during the lifetime of her husband, with all of the legal limitations that this status implies. She cannot enter into any legally binding contract, whether for employment, commerce, or education, without her husband's consent. A married woman has no standing in court and cannot sue or be sued without her husband's permission.

Despite their second-class status, women in Lesotho traditionally have been the stabilizing force in the home and in the agricultural sector, given the absence of over 100,000 Basotho men who work in South Africa. More female than male children complete primary and secondary schools.

Domestic violence, including wife beating, occurs, but, as statistics are not available, the extent of the problem is not known. In Basotho tradition a wife may return to her "maiden-home" if physically abused by her husband; in common law, wife beating is a criminal offense and defined as assault under the 1981 Criminal Procedure and Evidence Act. A 1976 High Court case successfully reversed a Roman-Dutch legal tradition which recognized a husband's right to chastise his wife at will. While the Government has made some attempts to enhance the economic prospects of women, very little direct action has been taken to improve their subordinate status in the society.

Section 6 Worker Rights

a. The Right of Association

Lesotho is a party to the International Labor Organization (ILO) Convention 87 on Freedom of Association and Convention 98 on Collective Bargaining. At least one new union was formed in 1989 to organize construction workers for the mammoth \$2-billion Highlands Water Project.

Roughly 60 percent of Lesotho's active male labor force between the ages of 20 and 44 work in the Republic of South Africa, mainly in gold and coal mines. At least 70 percent of the remainder are engaged in traditional agriculture. The rest are employed mainly by the Government and in small industries in Lesotho. A majority of Basotho mineworkers are members of the South African National Union of Mineworkers (NUM). Because the NUM is an extraterritorial worker organization, it is not permitted to engage in union activities in Lesotho.

There are two trade union federations in Lesotho, the Lesotho Congress of Free Trade Unions (LCFTU) and the Lesotho Federation of Trade Unions (LFTU). The much larger LCFTU encompasses 24 affiliated independent trade unions; the LFTU has 4. Like its predecessor, the current Government supports the formation of a single, umbrella trade union center, and since 1988 has stepped up its efforts to broker a merger between Lesotho's two competing federations. The immediate catalyst for this renewed interest was the embarrassing dilemma faced by the Government recently in deciding which federations should represent Lesotho at international conferences. More fundamentally, the Government believes that the size of Lesotho's work force does not warrant the more than 30 existing labor unions and would like to see these consolidated. A merger would also eliminate competition among unions in their negotiations with employers, and enhance the bargaining power of the work force. There are, however, deep philosophical, political, and ideological differences between

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the two federations, reflecting the historical differences of the two political parties with which they are affiliated. As the federations were unable to reach agreement in 1989, the Government is considering legislation to force the desired merger.

While a legal right to strike exists for workers in nonessential services, in practice the procedure for calling a strike is so lengthy and cumbersome that it discourages legal strike actions and accounts for the prevalence of wildcat strikes. The 1964 Trade Union and Trade Disputes Act enumerates lengthy procedures which must be followed before a strike is called. The last general strike was in 1961. There were several wildcat strikes in 1988 and 1989 against both foreign and domestic companies, mostly over wages and conditions of work. Usually, wildcat strikes have been of short duration and ended in compromise, although a 1988 strike at the government-owned Lesotho flour mills ended with the dismissal of more than 300 employees. In 1989 workers went on strike against a South African construction firm building an access road to the Highlands Water Project. The workers were protesting differential wage and working conditions and the employment of large numbers of South African workers; the action turned violent and resulted in serious injury to two workers.

The LCFTU is a member of the Southern African Trade Union Coordination Council, the Organization of African Trade Union Unity, and the International Confederation of Free Trade Unions. The LFTU has fewer international affiliations but is becoming more active internationally. Aside from a 1987-1988 prohibition on the travel of LCFTU Secretary General Jonathan, the Government has placed no obstacles to international affiliations or foreign travel for labor union-related purposes.

In its 1989 report, the ILO Committee of Experts (COE) asked the Government to report if the SOE was still in effect, and whether any regulations had been adopted under this legislation. The Committee also reiterated its objection to provisions of the Essential Services Arbitration Act which restricts the right to strike and applies compulsory arbitration to disputes in the banking industry.

b. The Right to Organize and Bargain Collectively

All trade unions in Lesotho enjoy the right to organize and bargain collectively. These rights were established in the 1964 Trade Union and Trade Disputes Act and in the 1967 Employment Act, as amended in 1977. There is also an unfair labor practices tribunal whose mandate is to investigate unfair labor practices and safeguard worker rights. A government-appointed labor commission is also charged with, inter alia, monitoring wage and working conditions and accepting, reviewing, and investigating worker complaints.

There is clear recognition in Lesotho, however, that its industrial relations system is outmoded. The Government has been working for several years with the ILO to formulate a comprehensive new labor code. In September, following extensive local tripartite consultations, the Government gave preliminary approval to a draft labor code, which includes 242 separate provisions aimed at bringing the country's labor laws into full conformity with ILO standards promoting collective

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bargaining and greatly simplifying the worker's right to strike.

Lesotho has several industrial estates grouping together companies, mostly textile and apparel firms, engaged in manufacturing for export. There are no prohibitions against organized labor in these industrial zones, and labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by the 1987 Employment Act and is not practiced in Lesotho.

d. Minimum Age for Employment of Children

Fourteen is the legal minimum age for employment in commercial or industrial enterprises. In practice, however, children under 14 may be employed in family-owned businesses. There are prohibitions against the employment of working age minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions. Basotho minors under 18 years may not be recruited for employment outside of Lesotho. Enforcement of all laws is lax.

In Lesotho's traditional society, life and working conditions for the country's young "herdboys" tend to be much more rigorous and demanding than conditions in the modern sector. Their quasi-pastoral life, however, is considered a prerequisite to eventual manhood and is a fundamental feature of Sotho life, tradition, and culture.

e. Acceptable Conditions of Work

Lesotho's 1967 Employment Act spells out basic worker rights, including a 45-hour workweek, a weekly rest period of at least 24 hours, 11 to 12 days' paid leave per year, and pay for public holidays. Employers are required to provide adequate light, ventilation, and sanitary facilities for employees, and to install and maintain machinery to minimize the risk of injury. In practice, these regulations are generally followed only within the wage economy, and enforcement mechanisms are weak.

Wages in Lesotho are extremely low. The Government, through the mechanism of a tripartite wages advisory board, raised minimum wages in 1989 for various types of work. These ranged from \$72 a month for light unskilled labor to about \$100 per month for semiskilled jobs. The vast majority of wage earners supplement their monthly income through subsistence agriculture and/or remittances from relatives employed in South Africa. Many employers in Lesotho now pay more than minimum wages in an effort to attract and retain motivated employees. Government salaries were raised in 1988 at a percentage increase greater than the 1989 increase for minimum wages. A number of government employees were dismissed in 1989 under the Government's International Monetary Fund structural adjustment program.

In collaboration with the ILO, the Government will begin a 3-year project in 1990 to upgrade its national occupational and health safety standards. This is a regional project which will also include Botswana and Swaziland.

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The Liberian Constitution provides for an American-style democratic system of government and guaranteed rights and freedoms for the individual. However, in practice, Liberia is ruled by Samuel K. Doe, who came to power in a coup d'etat in 1980 and transformed his military regime to a civilian government after being elected President in 1986 in elections widely believed to have been rigged in his favor. He and his ruling party, the National Democratic Party of Liberia (NDPL), with strong backing from the military, increasingly dominate Liberian political life. Three opposition parties are legally recognized and permitted to function, but they continue to protest the Government's conduct of the 1985 elections and decided not to participate in the 1989 by-elections.

The army continues to be a bulwark of the current administration and has major responsibility for internal security functions. Military indiscipline continues to result in harassment of civilians. A small police force is used for maintaining domestic order. At the end of the year, a small group of regime-opponents crossed the Liberian/Cote d'Ivoire border into Nimba county, assassinating local officials and killing unarmed civilians. In responding to these attacks, elements within the Armed Forces of Liberia (AFL) are credibly reported to have ignored orders to avoid attacks on innocent civilians, an unknown number of whom were killed. Both dissidents and AFL troops have largely concentrated their actions against civilian members of ethnic groups not their own. This conflict also resulted in tens of thousands of Nimba County residents seeking refuge in the Cote d'Ivoire.

Liberia's mixed economy is based primarily on traditional agriculture and exports of iron ore, rubber, and timber. It continues to suffer from foreign exchange shortages, widespread corruption, a heavy debt burden, and governmental mismanagement. Nonetheless, in 1989 the private sector rebounded after a long decline that finally bottomed out in 1988. The modest recovery was due in large part to higher world prices for Liberia's two main exports, iron ore and rubber. Prospects for the future of the economy remain clouded by the Government's failure to implement a meaningful structural reform program and uncertainty about export prices.

Despite constitutional guarantees, there were extensive human rights violations in 1989. In addition to the year-end violence in Nimba county, major concerns included the use of arbitrary arrest and detention, military and police abuse and harassment of citizens, and tight restrictions on freedom of speech and press, association and assembly, the right of citizens to change their government, and women's rights. Of particular concern was the slow, steady erosion in press freedom. In June the Government closed another independent media outlet, the Catholic Radio Station, ELCM, which, alone among the independents, had sometimes criticized the Government. Despite the success of a joint government-private accreditation agreement for journalists, the possibility of further government interference with the press was raised by the creation of a government-dominated Communications Commission with the power to revoke media operating licenses. The combination of government/NDPL pressures, which brought opposition defections to the NDPL, and opposition boycotts in both the legislature and in 1989 by-elections moved Liberia closer to a de facto one-party system. In these circumstances, the Elections Commission (made up of former

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NDPL members) has made little effort to engage in substantive dialog with opposition parties to meet their legitimate concerns. The leader and legal counsel of the banned Liberian Unification Party, William Kpoleh and Ceasar Mabande, jailed after a controversial trial in 1988, remained in prison at the end of 1989; at the beginning of the year, the Supreme Court granted them a new trial.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings in 1989 but both dissidents and government forces killed innocent civilians in the year-end violence in Nimba County. Additionally at least one person died after a beating administered by soldiers, and two persons died in official custody in suspicious circumstances (see Section 1.c.). The Government did not undertake any form of official inquiry into the circumstances surrounding the deaths of Major General Podier, a former vice head of state, and several others killed, allegedly in combat, by security forces in 1988.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Criminal suspects are treated harshly and often receive severe beatings from the police. The constitutional rights of the accused are often ignored. In August several dozen people in Nimba County were reported to have been beaten and robbed by a group of soldiers under the direction of an official of the Ministry of Internal Affairs. At least one person, a woman, died from the mistreatment and several others needed medical attention. The beatings were allegedly carried out at the behest of a local clan chief as part of an investigation into alleged occult activities in the area. Although an investigation found the chief to be culpable, President Doe released him at the end of 1989 as a result of the incursion into Nimba County which allegedly lent credibility to his claims of subversion in the area.

Prison conditions, which have long been dangerous to life and health, did not improve in 1989. Cells are often small and without windows or ventilation. Food, exercise opportunities, and sanitary facilities are grossly inadequate. The maximum security prison at Belle Yella in remote Lofa County is notorious for its harsh regimen, including incommunicado detention. There have been credible reports, including in Amnesty International's (AI) 1989 Report, that a number of prisoners have died at Belle Yella in past years under unexplained circumstances. AI reports indicate that at the Post Stockade, a military detention center in Monrovia, civilian detainees have been held illegally for months and forced to sleep on the floor, without bedding, often covered in excrement. In some circumstances, detainees have had to go without water and food for several days. Although the Constitution states that civilians may not be confined in any military facility, this provision is frequently ignored.

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Two defendants in the General Allison trial (see Section 1.e.), Augustine Fanga and Henry Walker, died in custody under unexplained circumstances. Officials attributed their deaths to their "poor health" on arrival at the prison.

d. Arbitrary Arrest, Detention, or Exile

Although police are supposed to have a warrant for arrest, and persons should be charged or released within 48 hours, these constitutional provisions are frequently ignored in practice, particularly in cases involving alleged security threats or violations. Three students were detained without charge for 2 weeks for attempting to revive a student organization (see Section 2.a.). A county superintendent was held without being charged for over a month before being released and reinstated. Members of a jury were jailed for a few days by a judge in a Bong County Criminal Court for bringing in the "wrong" verdict.

In many cases, prolonged detention of persons without charge occurs as a result of judicial inefficiency and administrative neglect. Reports appear from time to time that many of those in Liberian prisons have been "forgotten" by the judicial system and continue to remain in prison although they have never been tried. In May a local lawyer succeeded in gaining freedom for over 30 people so detained in Monrovia Central Prison. A writ of habeas corpus was filed on behalf of a list of 205 persons alleged to have been held without charge, some for as long as 2 years, although some were later found to have been released previously or properly charged. In a series of hearings before a judge, more than 30 prisoners were ordered released unconditionally after it was determined that they had never been properly charged in accordance with their constitutional rights. Reliable sources indicate that at the same time, and possibly because of this case, as many as 50 inmates of Monrovia Central Prison were released by prison authorities, because they too had never been charged.

A number of well-known Liberians, such as Professor Amos Sawyer, who chaired the National Constitutional Commission and headed the now banned Liberian People's Party, remained in exile in 1989, many of them in the United States. Human rights organizations have pointed to the case of Nathaniel Nimley Cholopy, who, after returning to Liberia in December 1987, was immediately arrested and held in incommunicado detention for almost a year in both the Post Stockade and Belle Yella. He was released uncharged in November 1988.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Liberia's civilian court system is based on Anglo-American jurisprudence and features similar judicial bodies, with the Supreme Court at its apex. The Constitution provides for public trials and states that there shall be no interference with the lawyer-client relationship. Nonetheless, the judicial system is often subject to manipulation, and reports of financial or political pressure on the courts are common. Corruption in the judiciary has become almost institutionalized: bribes are often paid to delay cases indefinitely, thousands of which are currently "pending" before the courts. Like government agencies, the judiciary suffers from a severe shortage of the basic tools it needs to

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do its work, such as office supplies, stenographers, and records of precedent cases.

Despite constitutional provision for separation of powers, the judiciary has a history of succumbing to the wishes of the executive, as in 1987 when President Doe insisted on, and received, the resignation of the entire Supreme Court. Moreover, court orders are not always implemented by executive agencies including the military. In 1988, when a leading political figure and nine other conspirators came to trial before the Criminal Court in August, the military authorities continued to deny them access to legal counsel, in defiance of a court ruling. In cases of persons alleged to have been improperly jailed, prison authorities refused to transport them to the courthouse. In many instances executive authorities often demand fees for performance of judicial duties such as serving subpoenas, collecting witnesses, and executing warrants.

Persons have the right to legal counsel and to bail in noncapital offenses. Where the accused is unable to secure his own lawyer, the court is required to provide legal services, although a lack of resources limits this practice to those accused of "serious" offenses. Litigants have the right to appeal. Traditional courts, presided over by tribal chiefs, are bound neither by common law nor by conventional judicial principles; they apply customary and unwritten law to domestic and land disputes as well as petty crimes. These decisions may be reviewed in the statutory court system or appealed to a hierarchy of chiefs. Administrative review by the Ministry of Internal Affairs and, in some cases, a final review by the President may follow. Allegations of corruption and incompetence in the traditional courts are common.

Several prominent political figures convicted of statutory crimes remained in prison at the end of 1989. The leader and legal counsel of the banned Liberia Unification Party, William Gabriel Kpoleh and Ceasar Mabande, convicted of treason in 1988 after a controversial trial, appealed their sentences to the Supreme Court and remained in prison at year's end pending the Court's decision; they have been granted, however, a new trial.

In the major trial of 1989, a military court sentenced Defense Minister Gray D. Allison to death for ritual murder, although at year's end the sentence had not been carried out. Two of the 10 defendants died in prison as a result of lack of medical attention. They had been delivered to the prison after having been severely beaten by unknown assailants. Allegedly Allison and nine others attempted to obtain human blood for a witchcraft ritual that would enable them to overthrow President Doe. Allison claimed that the accusations were politically motivated. The trial did not meet internationally accepted standards of fairness, even though Allison was allowed defense counsel of his own choosing, and both he and his counsel were allowed to make lengthy statements to the court-martial board. The trial was closed to the public and press, only edited transcripts and television footage of court proceedings were released to the public, and questions were raised about possible coercion of witnesses.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In 1989 the political and military leadership took action against at least 30 soldiers accused of harassing or mistreating civilians. These included a private who was discharged for striking an American citizen at a checkpoint in April, and Major John Solonteh, the Deputy Provost for the AFL, who was sentenced to a year at hard labor for extorting bribes from local businessmen. The number of disciplinary cases increased from 1988 to 1989. Nevertheless, military harassment and intimidation of civilians at checkpoints remained a continuing problem in 1989. There were random shakedowns of civilians, including outside checkpoints, and occasional episodes of violence. During a municipal clean-up campaign in March, soldiers were observed commandeering vehicles, forcing people to work at gunpoint, and occasionally beating those who resisted. In these instances, no action was taken against the soldiers.

Interference by civil and military authorities in the lives of ordinary citizens occurs on a wider scale in rural areas, where local officials wield considerable power over the day-to-day activities of citizens and proper police and judicial procedures are even less likely to be followed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the Constitution includes provisions for freedom of expression, including freedom of speech and of the press these freedoms were substantially set back in 1989. The Government closed the major private radio station; and two newspapers closed in 1988 (Footprints Today and The Sun Times) remained closed in 1989. The Constitution also stipulates that persons be held "fully responsible for the abuse" of these rights. Decree 88a, passed by the Military Government in 1984, declares the spread of "rumors, lies, and disinformation" to be a felony. This Decree has not been revoked or challenged in court and is therefore still in force. Government authorities have not invoked the decree in the past 5 years, and no one has ever been convicted of violating it. However, human rights activists point out that this Decree has a chilling effect on freedom of expression and of the press and that the Government has not needed to use it to achieve its objectives.

The Liberian press practices self-censorship. All media refrain from direct attacks on the President and certain other senior government officials. As many as five independent newspapers appeared in Monrovia in 1989, though seldom did more than four publish on any given day. The one government-owned newspaper appears twice weekly. The government-controlled radio and television outlets dominate the news and provide almost no coverage of opposition views, despite constitutional guarantees of access.

In 1989, as in the past, government harassment of journalists, ranging from scuffles with police and confiscation of reporter's film to the overnight detention of one newspaper editor, continues to be a constant theme. In a major development, in June the Ministry of Information, Culture, and Tourism (MICAT) shut down Catholic Radio Station ELCM (one of three independent radio stations in Liberia) for reporting

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that several people had died in a crowd stampede at a local soccer stadium. MICAT originally demanded a transcript of the report and, when none was forthcoming, closed the station. After some public comments by Catholic Archbishop Michael Francis, President Doe made a speech castigating politically active clerics and decreeing that the station would remain "forever closed," a decision the Church declined to contest. Since the closing of ELCM, there has been a marked decline in the airing of opposition views in either the independent or government broadcast media. The banning of ELCM has left two religiously affiliated, largely apolitical, radio stations: the Sudan Interior Mission-sponsored ELWA and Radio Baha'i.

In practice, sessions of the Liberian legislature remain closed to the public, a restriction of the constitutional right of citizens to be informed about their government. In the waning days of the 1989 legislative session, a bill was passed creating a national "Communications Commission" to "monitor and control" the Liberian media. Although the Commission will have a few members representing private entities, and all of the Board's decisions may be appealed to the courts, the independent press believes the Commission could be used as a censorship tool. The Board will have the power to impose fines and revoke operating licenses; its members will be presidentially appointed, mostly from the ranks of government officials, and its head will be the Minister of Posts and Telecommunications (PTT). One of the organizations to be represented on the board, the Press Union of Liberia (PUL), has already declared that it will not participate due to what it considers to be the unconstitutional mandate of the Commission.

The PUL has been outspoken on a number of media-related issues but also has cooperated with the Government. An agreement between the PUL and MICAT for the joint accreditation of journalists has been in place since May, and at the end of the year there had been no reported problems with attempts to revoke or deny credentials. In May the PUL sponsored a seminar on "The Rule of Law in a Democratic Society" in which speakers discussed frankly the need for strict adherence to the rule of law and specifically criticized the Government for various failures to do so.

Academic freedom is limited. The firing last year of a University of Liberia professor for political statements has inhibited some other academics. All student politics were banned in 1988 by Executive Order Number Two of that year, and the ban on student politics has been incorporated into the University of Liberia's handbook of rules and regulations. Although technically that executive decree has expired, two students were suspended from the University of Liberia in October, and three students were detained without charge for 2 weeks for attempting to revive a student organization. There are no functioning student political organizations, and there has been virtually no open political activity on the University of Liberia campus. The Government initiated an investigation when an NDPL official alleged that opposition United Peoples Party (UPP) teachers had "infiltrated" the schools in rural Rivercess County for political purposes.

b. Freedom of Peaceful Assembly and Association

The Constitutional right to peaceful assembly and association is observed more often in urban areas than in rural areas. Permits must be acquired for public marches and

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demonstrations; however, no political party or other group attempted to organize any significant demonstrations in 1989.

In 1989 legal opposition groups did conduct public and private meetings and other organizational activities in the Monrovia area without interference from the Government. Freedom of the opposition to organize and operate in the rural areas is largely dependent on the tolerance of local officials who have considerable discretion in dealing with strictly local issues. The opposition UPP party held several rallies in rural areas in July, with no immediate interference from the Government, although some participants later reported harassment. According to Human Rights Watch, the Government employs intermittent surveillance of opposition figures and the harassment, including arbitrary detention, of many political party members to limit the effectiveness of opposition activity. The U.S. Embassy has no record of party activists being detained in 1989.

A 1986 Supreme Court ruling banned the "Grand Coalition," an ad hoc coalition of the three opposition political parties, claiming it was not organized in accordance with the Election Commission's (ECOM) rules. In July 1989, the heads of the three major opposition parties announced plans to hold a joint meeting, and the elections commission declared that any such meeting would constitute an illegal revival of the banned "Grand Coalition." President Doe, however, reversed the ECOM decision, and the meeting went ahead with no further government interference. Leaders of the various political groupings meet on an informal basis without overt government interference. Opposition activists complain of government harassment, including dismissal from employment, but some prominent opposition members hold government jobs. Civil servants are not forced to join the NDPL, but it is highly advantageous for career advancement.

The Government initiated in 1988 a check-off system for party dues to be deducted from civil servants' paychecks, but participation has thus far been voluntary and erratically conducted. Opposition politicians complain that the Government's ability to award jobs and other patronage gives the NDPL an unfair and unconstitutional advantage. The opposition UPP has demanded that NDPL organizers desist from solicitation of funds from local businessmen, an activity prohibited by the Constitution. ECOM has supported the UPP position, although solicitation may still occur under other guises.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution states that freedom of religion is a fundamental right of all Liberian citizens, and in practice there are no restrictions on this right. No religion has preference over others, and there is no established state religion. Christianity, brought by 19th-century settlers and spread through the interior by missionaries, has long been the religion of the political and economic elite, and many public figures refer to the "Christian principles" on which Liberia was founded. The majority of the rural population continues to practice traditional religions. Approximately 25 percent of the population is Muslim. The Liberian Council of Churches, an organization composed of most of the Christian

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denominations in Liberia, occasionally plays a prominent role in national affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides every person the right to move freely throughout Liberia and to leave or enter the country at any time. Domestic movement, however, is still impeded by a network of internal checkpoints. The number of such checkpoints decreased sharply in late 1987 but rose again in reaction to alleged coup plots in 1988 and large-scale rice smuggling in 1989. Police and military personnel at these checkpoints routinely search vehicles and often solicit bribes from passengers.

Exit visas are required for all Liberians and most non-Liberians leaving the country. These are routinely issued. A prominent Liberian dissident living in the United States asserted in 1989 that the Government had denied her a passport. There were no reported restrictions on the foreign travel of Liberians in 1989. Despite allegations by human rights groups that the Government maintains a "black list" of persons who may be denied permission to travel or who may be arrested upon their return, there is no evidence of the existence of such a practice.

There are 247 refugees in Liberia. Refugees are not forced to return to the countries from which they have fled. In a few cases in past years, however, the Government sought to deport refugees who became involved locally in political activities. As a result of year-end violence in Nimba County, tens of thousands of residents fled to neighboring countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Despite universal suffrage and constitutional guarantees of free and fair elections, there is serious doubt that Liberian citizens are free in practice to change their government democratically. The only national election since the 1980 coup perpetuated the rule of President Doe and was widely believed to have been fraudulent. The Liberian Government is structured along the lines of the American model, with three separate but theoretically equal branches of government, including a bicameral legislature. In practice, the executive branch, and the President in particular, has a preponderant share of power. In recent years the number of military men in government has declined, but the military remains a major force in support of the Doe Government.

The legislature (26 senate seats, 62 house seats) is subject to inordinate executive influence, and lacks the assertiveness, resources, and political will to play its constitutionally mandated role of coequal in governance. In 1989 it passed a number of executive-sponsored bills with little or no debate, confirmed virtually all presidential appointments sent before it, and failed to promote any significant legislative initiatives of its own. The executive, moreover, regularly took budgetary and other actions which the Constitution gives exclusively to the legislature. Opposition parties formally continue to boycott the legislature. A small number of legislators, elected in 1985 on opposition tickets, but taking seats as independents, functions as an informal opposition grouping. Its

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effectiveness was undercut in 1989 due to the death of its most prominent member and numerous defections to the NDPL.

The Constitution provides for an Elections Commission to monitor all political activities in the country. The elections law empowers the Commission to certify parties, conduct all elections, and count election ballots. The five commission members are appointed by the executive for life and currently are all former members of the ruling NDPL. Citing the widespread fraud that occurred during the 1985 elections, the opposition has in the past called for an independent vote-counting mechanism. When the deaths of two legislators necessitated by-elections in two counties in October 1989, the opposition UPP asked ECOM to amend elections procedures as a de facto condition for participation in the by-elections. ECOM denied any need for changes, and all opposition parties boycotted the by-elections where two NDPL candidates ran virtually unopposed.

The Constitution prohibits creation of a one-party state. Four political parties are officially recognized by the Elections Commission--the ruling NDPL, the United Peoples Party (UPP), the Liberia Action Party (LAP), and the Unity Party (UP). The level of activity of the three opposition parties varies, but in the last 2 years each held conventions or other large party gatherings and expressed its views freely in the press and at public forums. A lack of financial resources crippled their activities, however, and prevented the publication of newsletters on a regular basis. Although the UPP expressed willingness to participate in electoral politics for a few years after the disputed election of 1985, and did participate in one by-election, it abandoned its policy of seeking cooperation in late 1988 and joined with the other two opposition parties in 1989 to boycott the 1989 by-elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In recent years the Government has permitted representatives of various organizations, including Amnesty International (AI) and the International Committee of the Red Cross (ICRC), to visit Liberia and investigate alleged human rights violations. While it did not respond directly to inquiries from AI about the conduct of General Allison's trial, it permitted a visit by representatives of the Lawyer's Committee for Human Rights at the end of the year.

Although no Liberian organizations currently exist for the express purpose of monitoring human rights developments, the Press Union of Liberia, the Liberian Bar Association, and the Liberian Council of Churches have spoken out on human rights issues in recent years. The Liberian Red Cross routinely visits prison facilities, mostly in the Monrovia area, and in 1988 was permitted for the first time in recent memory to carry medical and sanitary supplies to the isolated maximum security prison at Belle Yella.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution states that "only persons who are Negroes or of Negro descent" shall qualify by birth or naturalization to be citizens of Liberia. The Constitution further states that

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only Liberian citizens can own real property. These provisions discriminate against many nonblack residents who were born in Liberia and consider it their home. Otherwise, there is no officially sanctioned discrimination on the basis of race, religion, language, or social status. However, members of President Doe's Krahn ethnic group hold a disproportionate share of high posts in the Government and military and are widely believed to receive preference in competing for lower level jobs.

The status of women varies by region, but sexual discrimination is widespread. In urban areas and along the coast, women can inherit land and property. In interior areas, where traditional ties are stronger, a woman is normally considered the property of her husband and his clan and is not usually entitled to inherit from her husband. In newly urbanized areas, many women are subject to both customary and statutory legal systems.

Violence against women, including wife beating, occurs, but as there are no statistics available, the extent of the problem is not known. Police do not normally intervene in domestic disputes, and cases rarely come before the courts. Female circumcision is widely practiced by the majority of Liberians who follow traditional religions and is tolerated by government authorities.

Section 6 Worker Rights

a. The Right of Association

The Constitution states that workers have the right to associate in trade unions. Over 20 labor unions are registered with the Ministry of Labor, representing roughly 15 percent of the monetary sector work force. Ten national unions are members of the Liberian Federation of Labor Unions (LFLU), an affiliate of the International Confederation of Free Trade Unions. The Government does not recognize the right of civil servants or employees of public corporations to unionize or to strike. Many such employees, including teachers and port workers, are represented by employee associations. The American Federation of Labor and Congress of Industrial Organizations maintains that the invalidation of the teachers' union charter constituted government interference with members rights to establish organizations of their own choosing.

Although organized labor historically has not had great influence in national politics, in recent years it has begun to assert itself on issues affecting workers' interests. During 1989 the LFLU was again active in lobbying the legislature to pass the new labor code. The code, drafted in 1986 with the cooperation of Liberian unions and the International Labor Organization (ILO), would repeal PRC (military) Decree 12 outlawing strikes. It had been awaiting legislative action for 3 years. The House passed the bill in the last week of the 1989 session, and the Senate was scheduled to take it up early in 1990. Labor unions are constitutionally prohibited from participation in party politics.

In July the Supreme Court put an end to a dispute over the LFLU's May 1988 elections that had been running for more than a year. The losing candidates in those elections had appealed to a civil magistrate and then to the Supreme Court in an

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attempt to have the election overruled. The Supreme Court eventually rejected the appeal on technical grounds, leaving in place the magistrate's decision that the matter was an internal union affair that the Government had no reason to judge.

Promulgated in 1980, PRC Decree 12 outlawing strikes and any other type of labor unrest is technically still in effect, although there were no significant strikes in 1989 to test the Government's December 1988 assertion that unions are free to strike.

b. The Right to Organize and Bargain Collectively

With the important exception of civil servants and employees of public corporations, workers have the right to organize and bargain collectively. In contrast to 1988, there were no reports of government interference in union organizing activities in 1989. The Government promotes union/management negotiations and sometimes provides mediation for disputes arising out of such negotiations. Associations represent worker interests with government and management.

The ILO Committee of Experts (COE) has noted that current labor legislation provides insufficient guarantees against antiunion discrimination and supports the passage of the new labor code as a partial remedy.

Labor laws and practices are applied uniformly throughout the country, including in the unique export processing zone.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, and the practice is firmly condemned by the Government. The COE, among others, has raised questions about the degree of enforcement of that prohibition, especially on rural community development projects. In a broader context, the Government has indicated that the draft labor code will provide for penal sanctions in cases of illegal use of forced or community labor.

d. Minimum Age for Employment of Children

The Government prohibits employment of children under the age of 16 during school hours. Enforcement, which is limited, is primarily aimed at the wage sector. There is no enforcement for the many children engaged in the large subsistence farming sector. Only a minority of children regularly attend school.

e. Acceptable Conditions of Work

The labor law provides for a minimum wage, paid leave, severance benefits, and safety standards. The minimum wage for agricultural workers is approximately \$0.90 cents per day at the unofficial exchange rate. Industrial workers generally receive three or four times this amount. The minimum wage would not, by itself, be sufficient to insure an adequate standard of living for a worker and his family, but many families have other sources of income or receive support through an extended family system. The maximum hours of work which an employer can require are 8 hours per day or 48 hours per week. Safety standards are not rigorously enforced. A new national pension scheme was implemented in 1988 in which most workers and employers are required to participate.

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The Democratic Republic of Madagascar, the fourth largest island in the world, is governed by a president and a parliament (National Popular Assembly), both elected by direct universal suffrage. The President selects the members of the Supreme Revolutionary Council (SRC), the highest policymaking body. President Didier Ratsiraka, in power since 1975, has broad constitutional powers, and his position is further strengthened by the influential role of his political party, the Vanguard of the Malagasy Revolution (AREMA), which holds an overwhelming majority in the National Popular Assembly. Prior to December 1989, only the eight parties making up the National Front for the Defense of the Revolution were permitted to engage in political activity. The Front, established in 1976 by the Malagasy Constitution, was conceived as a unifying framework--a form of single confederal party--for building socialism and protecting the "Socialist Revolution" in Madagascar while allowing for party diversity. The political orientation of the eight parties in the National Front ranges from moderate and pro-Western to radical and pro-Soviet. The President and his party gained major victories in bitter 1989 elections, which resulted in further sharp divisions between party leaders of the Front and called into question the future of this unusual institution. As a result on December 20 the National Assembly amended the Constitution to remove the Front's special status.

The Malagasy internal security system is composed of the urban police force and the National Gendarmerie, the latter having jurisdiction in the provinces. On occasion, the National People's Army is also used for internal security purposes.

Agriculture dominates the Malagasy economy, employing some 85 percent of the population and providing about 80 percent of the country's export earnings. Since 1982 the Government, with the assistance of the International Monetary Fund, began to introduce a long-term austerity reform program, inter alia, to stimulate declining agricultural production in basic commodities, especially rice. Despite some progress, economic growth (1.8 percent in 1988) has not kept pace with population growth (3 percent), real incomes have declined, and unemployment remains high, especially among youth (60 percent of the population is under age 25). As a result, the Government's reform program became a major issue in the 1989 presidential and parliamentary elections.

Although a wide range of fundamental liberties and individual rights are called for by the Constitution, there continued to be human rights abuses including extrajudicial killings and mistreatment of prisoners, significant restrictions on freedoms of speech, press, and assembly, and questions as to the ability of citizens to change their government through free and fair elections. However, in February the President did suspend censorship of the media. While there were numerous charges of voting irregularities following the hotly contested presidential race, which was won by the incumbent President with 63 percent of the vote, these elections probably were less subject to manipulation than earlier ones due to the monitoring role played by several independent organizations. Still, there were large demonstrations against the outcome, which resulted in violent clashes with police. Officially, 5 persons died, 70 were wounded, and 64 people arrested. In 1989 the Government scaled back its rural security campaign against bandits after extensive charges emerged in 1988 of summary executions by security forces.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There have been recurring rumors of politically motivated killings in recent years, but little evidence to substantiate them. During a press conference in August 1989, the President stated that there had been a bomb attempt on his life and that there had been a plot to kill Monja Jaona, an aging opposition leader, and cast blame on the President. However, there was no known followup investigation of these charges.

In 1988 military and police forces undertook a major campaign to eradicate the well-armed and burgeoning cattle rustling and banditry endemic to the southern areas of Madagascar, resulting in on-the-spot executions of captured bandits. In July 1988, Interior Minister Ampy Portos announced that 205 bandits had been killed in government-directed security operations. A number of human rights groups, such as Amnesty International (AI), criticized the summary execution of bandits by the security forces, but there appeared to be no major domestic opposition to the government policy of taking forceful actions against the bandits. However, in 1989 the Government sharply reduced the scope of these operations, although reports of banditry increased at the end of 1989. A 1989 trial brought to the surface allegations of military involvement in cattle rustling operations and connected arms trafficking (see Section 1.e.).

b. Disappearance

There were no known cases of politically motivated disappearance. However, press reports in August 1989 raised questions about the whereabouts of a university student leader arrested in June and detained at the prison of Tsiafahy. Reportedly, he opposed a proposed Government reform plan for the university. The student, Cyrille Rasambozafy, may have escaped in a major prison break at Tsiafahy in July. The student's parents claim that they have not heard from him since his arrest and fear he may still be held by the authorities. The Government has not responded in any way regarding the missing student.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While there were no documented cases of physical torture occurring in Madagascar, some organizations in the security apparatus, notably the state secret police, have a reputation for ruthless methods. There have also been credible reports that the armed forces used torture in the Government's campaign against outlaw bandits in Madagascar's southwest.

Malagasy prisons are increasingly inhumane in terms of living conditions. Some prisoners are not fed regularly, hygiene is totally lacking, and medical care is not provided. As a result, prisoners suffer a range of medical problems from malnourishment and infections to malaria and tuberculosis. The death toll rises significantly among prisoners during the cold winter months. The Minister of Justice has appealed for foreign assistance to ameliorate these conditions by making prisons self-supporting agricultural and small industrial units.

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d. Arbitrary Arrest, Detention, or Exile

In a normal criminal case, the accused must be charged or released within 3 days after arrest. Generally, defendants in ordinary criminal cases are charged formally within the specified time frame and, upon being charged, are allowed to obtain an attorney. Counsel is readily available, and court-appointed counsel is provided for indigents.

Under Malagasy law, persons suspected of activity against the State may be detained incommunicado for 15 days, subject to indefinite extension if considered necessary by the Government. In particular, the Government has held detainees in security cases for extended periods, as with 37 kung fu adherents held from 1985 until their trial and eventual release in 1988. (In 1984-85, these martial arts enthusiasts had been involved in street fighting with a paramilitary youth group and the army.) Also, certain defendants involved in coup-plotting cases have been held in pretrial detention for periods ranging from 20 months to over 5 years.

Since the release of the kung fu defendants, there has been no evidence of other arbitrary political detentions. The Government briefly detained a number of persons after massive demonstrations held in April to protest the presidential electoral outcome and government economic policies.

Exile has not been used as a means of control in the recent past.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Malagasy Constitution provides for an independent judiciary, and in practice the judiciary seems to function in most cases without outside influence from the executive. The judiciary has three levels of courts: lower courts for civil and criminal cases carrying limited fines and sentences; a court of appeals which includes a criminal court for cases bearing sentences of 5 years or more, and a Supreme Court. The judiciary also has a number of special courts designed to handle specific kinds of cases under the jurisdiction of the higher courts. A Constitutional High Court, with a totally separate and autonomous status, may review the constitutionality of laws, decrees, and ordinances and ensures the legality of elections.

A Military Court has jurisdiction over all cases involving national security. The definition of national security is largely a matter of interpretation by the authorities but includes acts constituting a threat to the nation and its political leaders, invasion by foreign forces, and riots that could lead to an overthrow of the Government. In exceptional cases, civilians may be tried in the Military Court if they are charged with having broken military laws.

Military courts, like civilian courts, provide for an appeals process. Furthermore, military courts are presided over by a civilian magistrate. The rank of the four military officers comprising the court is determined by the rank of the accused.

In 1989 two bandits accused of the mass-murder of 11 persons for the proceeds from a cattle sale were tried and sentenced to death by a military court. While the death penalty is

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legal in Madagascar, it has not been carried out since 1947. The particular viciousness of this crime and the popular outrage it evoked may result in these death sentences being carried out. The trial, known as the "keliberano affair," also brought to the surface allegations of military involvement in cattle rustling operations and connected arms trafficking. The presiding judge called for an investigation and a hearing on these charges. On November 15 the court of Fianarantsoa rendered light sentences of 6 months to a year for those involved in supplying the weapons used in the keliberano killings.

There are currently no known political prisoners in Madagascar.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The State does not generally intervene in nonpolitical aspects of the lives of the people. The home is traditionally inviolable under Malagasy law. However in December 1989, Article 42 of the Constitution was amended to permit authorities to enter the home in cases of persons caught in the act or where the occupants explicitly consent to a search. In their suppression of cattle rustlers and bandits the military have entered some homes without court orders and ransacked them.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms remain significantly restricted despite the loosening of press censorship. Private citizens who criticize government officials or policies must choose their words carefully; direct criticism of the President or the "Socialist Revolution" is not tolerated.

The broadcast media are under state control and provide positive coverage of the Government's activities. While the opposition received some coverage in the presidential and legislative elections of 1989, many observers felt that it was dwarfed by the nightly reports on the activities of the President and his AREMA Party.

In past years, the Ministry of Interior has reviewed and censored the content of newspapers prior to printing. On February 19, 1989, the President suspended censorship restrictions on the print media, and journalists have cautiously been testing their newfound freedom. To become permanent, this suspension still requires passage of a law by the National Assembly. Thus, there is a moratorium on censorship, and the President's ability to restore controls at a moment's notice continues to moderate press criticism and comment of Government policies. The press, in contrast to television and radio, did give broad coverage to the election campaigns and related demonstrations.

In 1988 the Government allowed previously barred journalists from a foreign newspaper to visit Madagascar, and it lifted an 8-year-old ban on the Paris-based weekly Jeune Afrique. There is one government-owned newspaper and two major independent dailies. Several other dailies and weeklies are published by party groups and independent publishers, including the outspoken and candid Catholic newspaper, Lakroa.

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Academic freedom is restricted by a constitutional prohibition on any public lectures or teachings which condemn Madagascar's Charter of the Socialist Revolution.

b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are restricted. Permits are required to hold public meetings and can be denied by the Government if officials believe that the meeting poses a threat to the State or endangers national security. Those denied a permit can appeal these decisions before the administrative chamber of the Supreme Court. Persons and groups belonging to parties of the National Front are permitted to organize and assemble. Nevertheless, since political activity by groups outside the National Front was prohibited, dissenting political opinion has been limited. In 1988 the Government banned an organization affiliated with the Catholic Church (the CEADAM) from holding a national political debate on the state and future of the nation.

Madagascar's campuses continue to constitute a major source of instability for the Government. The range of problems runs from inadequate finances and logistics to overcrowding, ethnic tensions, and squatters. While the widespread student unrest which took place in 1987 has not recurred, the University of Antananarivo campus became the site for popular demonstrations against President Ratsiraka's reelection in April 1989.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government is secular, and there is no official religion. There is no discrimination on the basis of religious affiliation, and people are free to follow the faith of their choice. Over half of the population is Christian, with the remainder following traditional Malagasy religious beliefs or other faiths. Missionaries and clergy are generally permitted to operate freely.

During the visit of Pope John Paul II to Madagascar in late April, several days of violent political demonstrations, protesting the presidential election results, were suspended by the opposition to ensure a peaceful visit.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Officially there is no restriction on travel within the country. However, since May 1988, the start of the campaign to eradicate cattle rustling, villagers in the southwest reportedly must get permission to leave their villages. For all Malagasy, official approval must be obtained for trips outside the country. Foreign travel is impeded by the difficulty of obtaining foreign currency. The Malagasy franc is not convertible abroad, and the Government limits the amount of hard currency that can be obtained for foreign travel. There is no refugee population in Madagascar.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The right of citizens to change their government was called into question by widespread allegations of fraud in the

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presidential elections. Moreover, the electorate's choice had been constrained by the nature of the political system since, prior to December 20, 1989, the only political parties allowed to operate had to be members of the National Front. The situation is, however, expected to change when new implementing decrees are elaborated to define political activity outside the Front (see below). The electoral process provides the voters a chance to choose among candidates expressing differing views in local and regional elections, as well as in the parliamentary and presidential campaigns. The 137 members of the National Popular Assembly are elected by universal suffrage for 5-year terms. The President is elected to a 7-year term. The President's party has total political control of the apparatus of government. This is partly due to political apathy and a sense of defeatism as expressed in increasing voter absenteeism which reached over 50 percent in the last round of local elections. The President controls all major policy decisions. Most legislation is initiated by the executive branch.

On March 12, 1989, some 4.7 million Malagasy went to the polls to choose from among four presidential candidates. According to the official results, pronounced a month later by the Constitutional High Court, President Ratsiraka won a third consecutive 7-year term with an absolute majority of 63 percent of the votes cast. There was widespread dissatisfaction with this outcome. Opposition leaders claimed fraud and organized rallies protesting the election results. Violent demonstrations erupted and claimed four or five lives. The election results were subsequently contested in the Constitutional High Court, which sustained voter irregularity appeals in 43 cases of the several hundred brought before it. Most of the challenges were denied on technical grounds (e.g., improper filing procedures). The May 28 legislative elections reinforced the President's hand as his AREMA Party consolidated its already preponderant hold on the Assembly with a 120-seat victory. The legislative elections were peaceful. However, due to widespread voter dissatisfaction as evidenced in the earlier presidential elections, there was a low voter turnout. In September local government elections were marked by an even lower voter turnout and led to further AREMA party consolidation.

On December 20, 1989, the National Assembly amended the Constitution. It rescinded Articles 9 and 29 concerning the Front which results in this institution no longer being an official institution of the Malagasy Government but rather a simple alliance of parties which support the President and his Socialist policies. New parties may also now apply to join the Front. Furthermore, an amendment to Article 8 allows for opposition parties to exist outside the Front. However, opposition parties must not have as their objective the undermining of the unity of the nation or as their platform a separatist ethnic, tribal, or religious character. Moreover, a revised Article 16 states that opposition parties cannot oppose Malagasy socialism by illegal or violent means.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not officially cooperated with groups, either externally or internally based, wishing to investigate alleged human rights violations and has denied visas to AI representatives. In 1989 the President ruled out the

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suggestion that international observers be present at the polls on March 12, saying that the Malagasy are quite capable of managing their own electoral affairs. Originally, the Union of Malagasy Opposition in Exile (based in Paris) made a public call in 1988 for the presidential elections to be overseen by U.N. observers.

Human rights organizations are considered to be political groups under Malagasy law and must therefore be sponsored by one of the parties belonging to the National Front. Under these circumstances, only one human rights organization is currently operating in Madagascar: The Malagasy National Committee for the Defense of Human Rights which was founded in 1988 and is affiliated with the VITM Party, one of the smaller parties. Some of its members are also on the National Committee for Election Observation which monitored electioneering in 1989.

The Christian churches in the country have taken the lead in advocating human rights and play an important supplementary role in monitoring human rights concerns. The Christian Council of Churches in Madagascar (FFKM) is a major organization in this regard. In February 1988, the FFKM monitored the celebrated kung-fu trial to assure that due process was provided to the 245 accused. It also provided lodging and food for the defendants. In 1989 this organization provided a monitoring role, where possible, in the presidential and legislative elections. It also publicized and condemned those irregularities which it witnessed.

Madagascar is a member of the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Madagascar is inhabited by an estimated 10.3 million people of both Malayo-Polynesian and African origin. While there appears to be no customary practice of institutional or systematic discrimination on the basis of ethnic grouping in Madagascar, a serious outbreak of violence and plunder of Indo-Pakistani-owned property occurred across Madagascar in March 1987. This prosperous community, estimated at some 24,000 persons of Indo-Pakistani origin and referred to locally as "karana," is primarily engaged in commerce. While no Indo-Pakistanis died in these riots, several looters were killed, many were wounded, and property damage was great. The simultaneous outbreak of these riots in cities across the island and the relative absence of damage outside the Indo-Pakistani community gave rise to some speculation that these incidents had been carefully coordinated and organized by the Government. The Chinese and French communities also have experienced some resentment from the Malagasy, mainly because of their success in commerce.

Women have traditionally played a prominent role in the business and economic life of the country, with many of them managing or owning business concerns or filling management positions in state industries. Education at all levels is open to women. However, women in rural areas and among the urban poor face a greater degree of hardship. In addition to the responsibilities associated with raising a family, the realities of subsistence agriculture force these women to engage in farm labor and related activities.

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While women are not discriminated against in the workplace, discrimination does exist in marriage and property rights. In the case of divorce or the death of the husband, the wife inherits only one-third of their joint wealth. On the other hand, the wife receives a pension if her husband dies, but the reverse is not true. Women's rights groups do not exist, but groups of professional women and women within the political parties are working to change these aspects of family law. On December 12, 1988, Madagascar became a signatory of the U.N. Charter on Eliminating Discrimination Towards Women.

According to various sources, including magistrates, journalists, and women doctors, violence against women, such as wife beating, is not widespread, and neither the Government nor party women's organizations have addressed this issue specifically. The society frowns on marital confrontation. Married couples generally prefer to avoid divorce and, if necessary, to live separate lives under one roof. In very few divorce cases is there an allegation of physical abuse that could be construed as wife beating. In the rare cases where this condition is detected, police and legal authorities do intervene. However, there is no law dealing specifically with violence against women. Female circumcision is not practiced in Madagascar.

Section 6 Worker Rights

a. The Right of Association

The Malagasy have the right to establish and join labor unions. However, the labor force of 4.9 million is mostly agrarian (85 percent), and unionized labor accounts for less than 5 percent of the total. Seven of the national labor organizations in existence are affiliated with the eight political parties within the National Front for the Defense of the Revolution. Two independent unions in 1979 signed a protocol of agreement with the dominant political union belonging to the President's party, pledging support for the Malagasy "Socialist Revolution." The primary focus of the unions is party politics, and they are usually active only during election campaigns. Overall, labor unions play an insignificant role in national life.

Public servants may not form independent trade unions but may join "Malagasy Revolutionary Organizations" (ORM's) under the supervision of the Government. Under the Charter of Socialist Undertakings of 1978 workers' committees are established, but preferential access to these is extended to the members of trade unions belonging to one of the ORM's of the National Front for the Defense of the Revolution. In 1989 the Committee of Experts of the International Labor Organization (ILO) asked the Government to take appropriate measures to ensure that public servants can establish organizations without prior authorization or other restrictions. It also asked the Government to introduce legislation explicitly guaranteeing the trade union rights of seafarers.

Workers have the right to strike, but in reality, strikes in Madagascar are a rarity because of the severe unemployment problem and the politicization of the labor federations. However, there are occasional wildcat strikes. In these, the Government generally sides with management for the restoration of order. The Labor Code, which covers all workers except civil servants and merchant marine employees, prescribes an arbitration procedure which must be followed in

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labor/management disputes. Should this procedure not lead to a settlement, workers individually, or as represented by a union, may call a strike.

In 1989 the SECES, a labor union comprised of university professors and researchers, went on a major strike over its dissatisfaction with general working conditions at the nation's six universities. It used the withholding of examination results from students as leverage in its dealings with Ministry of Higher Education officials. On August 26, a communique issued by the SECES explained that the freeze on examination results had been lifted because some of its demands had been met.

Several of the unions are members of the Communist-controlled World Federation of Trade Unions or of the World Confederation of Labor. One union, the Confederation of Malagasy Workers, has links with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Union activity is governed by the Malagasy Labor Code of May 18, 1975, which guarantees free unions and the right to bargain collectively. Article 4 of the Labor Code formally prohibits antiunion discrimination by employers against union members and organizers. According to Article 132 of the Labor Code, collective bargaining may be undertaken between management and labor at either party's behest. When there is failure to reach agreement, the Ministry of Labor convenes a nonconciliation committee which attempts to resolve differences. If this process fails, the committee refers the matter to the chairman of the First Circuit Court for final arbitration.

There are no export processing zones in Madagascar, although legislation providing for such zones was approved by the National Popular Assembly at the end of 1989.

c. Prohibition of Forced or Compulsory Labor

Forced labor is explicitly prohibited by Article 2 of the Malagasy Labor Code. There is no forced or compulsory labor in Madagascar within the definition set forth by the ILO. Madagascar is a signatory to ILO Convention 29 prohibiting forced labor.

d. Minimum Age for Employment of Children

The Malagasy Labor Code describes a child as any person, regardless of gender, under the age of 18. The minimum age for employment is 14, but the use of child labor is prohibited in those areas where there is apparent and imminent danger. The Government enforces these child labor laws in the small wage sector through the Ministry of Civil Service, Labor, and Social Law. However, in the large subsistence agricultural sector many young children work with their parents on family farms at much earlier ages. Similarly, in the urban areas many children earn a living as parking attendants, newspaper vendors, etc.

e. Acceptable Conditions of Work

The Malagasy Labor Code and its enforcing legislation describe the working conditions for employees. Malagasy law

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distinguishes between agricultural and nonagricultural work. There is a 44-hour workweek in nonagricultural and service industries. There are also provisions for holiday pay, sick and maternity leave, and insurance. There are several minimum wage rates in Madagascar according to categories of work. The lowest (for unskilled workers) is approximately \$20 per month and is inadequate to ensure a decent standard of living. Accordingly, most workers must supplement their incomes through subsistence agriculture or reliance on the extended family structure.

The Labor Code has rules concerning building safety, machinery and moving engines, operational safety, and sanitation standards. It appears that, in practice, the rules and regulations of the Code are adhered to by employers and are enforced by the authorities. Labor inspectors from the Ministry of Civil Service, Labor, and Social Law carry out regular visits to industrial work sites. Violations of safety, sanitary, operational, and other Work Code laws are the subject of reports by these inspectors. If the violations are not remedied within a specified time frame, the violators are legally charged and subject to various penalties.

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Virtually every aspect of Malawi's first 25 years of independence--political, economic, and social--has been dominated by Dr. H. Kamuzu Banda, who led the country to independence in 1964 and was proclaimed "Life President" in 1970. The sole legal party is the Malawi Congress Party (MCP), to whose Central Committee the Cabinet and Parliament are subordinate. Only candidates selected by the MCP and approved by the President are allowed to run in parliamentary elections, last held in 1987. Constitutional amendments and laws passed by the Parliament mirror decisions already taken by the President and his close advisers.

Military, police, and party security organs closely monitor a wide range of activities, particularly opposition to the Government.

Malawi, a small, densely populated, landlocked country with few exploitable resources and a high population growth rate, possesses no significant mineral resources or industrial sector. It is heavily dependent on agriculture for export earnings and employment. Sound agricultural policies have produced a food surplus, despite an influx of 800,000 refugees in recent years, high transportation costs resulting from closure of the rail routes through Mozambique (owing primarily to the Mozambican civil war), and earthquakes and floods in 1989. Its fiscally sound policies have enabled it to qualify for special International Monetary Fund assistance.

Malawi's human rights performance is the reverse of its economic achievements and its exemplary handling of one of the world's largest refugee feeding programs. In 1989 the observance of human rights deteriorated as a leading political dissident was murdered, and arbitrary detention continued to be used to suppress any sign of dissent. Other major abuses included: mistreatment of prisoners and life-threatening conditions in prisons; lack of fair trials; interference with privacy; severe restrictions on freedom of speech and press, assembly and association, and the right of citizens to change their government; and serious discrimination against northerners.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Some human rights organizations claim that a journalist named Osborne Mkandawire died in prison in November 1988. After extensive research, the U.S. Embassy was unable to identify such a person, although a retired journalist named Mkandawire did die of natural causes in his native village. In another incident, Fred Sikwese, a Ministry of External Affairs officer, was detained in February 1989, reportedly for espionage or embezzlement. He died the following month. Amnesty International (AI) alleges torture. Government sources claim natural causes but denied the family access to Sikwese's body.

Dissident Mkwapatira Mhango, Publicity Secretary of the Malawian Freedom Movement (MAFREMO), and most of his family were murdered on October 13 when his home in Lusaka, Zambia, was firebombed. It followed by a few weeks President Banda's public complaint that Mhango was among those responsible for

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an alleged foreign press campaign against the official hostess, C. T. Kadzamira. This, and the fact that an earlier dissident leader was murdered in Harare in 1983 following similar criticism from the President, led many to believe that the act was directed by Malawian authorities. The Zambian Government's investigation has not been conclusive, and allegations continued to circulate. Before he died, Mhango told a reporter that the real target may have been Edward R. Chirwa Yapwanthwa, MAFREMO chairman, who planned to slip into Malawi clandestinely and had been staying at Mhango's home.

b. Disappearance

There were no known political disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings by police during arrest or detention are illegal but occur. Responsible officials are rarely disciplined. Terms of hard labor are the norm for common criminals. AI's 1989 Report focuses on harsh conditions in several prisons. AI also reported a number of deaths in Nsanje and Dzeleka Prisons.

In 1987 Orton and Vera Chirwa were transferred from Mikuyu prison to Zomba Central Prison where conditions were reportedly worse. Margaret Marango Banda, an Anglican women's leader (and Aleke Banda's cousin--see below) who was detained that same year, is imprisoned with Vera Chirwa. They are not permitted to speak with one another and are denied access to visiting clergy. Their diet is insufficient, and Ms. Banda is believed to be in poor health with inadequate medical attention. The Chirwas have not been able to speak with one another for at least 4 years and are not allowed to receive mail from their children.

Frackson Zgambo, an airport official and football referee, was detained with Fred Sikwese. While there have been reports of his death, Zgambo is believed to be under detention in Mikuyu Prison.

d. Arbitrary Arrest, Detention, or Exile

Under the Preservation of Public Security Act, the Minister of Justice (a position held by President Banda) may order the arrest, search, and detention of persons considered a threat to the preservation of public order. The Act was amended in 1977 to eliminate a 30-day limit. Persons arrested under this law can be, and often are, detained indefinitely without charge and without trial. The President must review such cases every 6 months, but this safeguard has had no noticeable effect.

Still in detention at the end of 1989 were: Brown Mpinganjira, Deputy Chief of Information, detained in 1986 for providing information to foreign journalists; Dr. Goodluck Mhango, a veterinary surgeon with the Malawi Young Pioneers, detained in September 1987 because his brother (killed in 1989) wrote articles critical of the Government; Jack Mapanje, a prominent professor and poet, also detained in September 1987 for planning to publish a volume of poetry deemed critical of the President; Mr. Mbeye, a senior Ministry of Finance official, detained in August 1988, reportedly for revealing to the foreign press the cost of a presidential trip to Great Britain; Dr. George Mtafu, Malawi's only native neurosurgeon, arrested in early 1989 after making a disparaging remark in a private gathering about the condition

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of the aging President's brain. Kalusa Chimombo, a prominent member of the teachers' association of Malawi before his arrest in 1978, remains imprisoned as the country's longest serving "prisoner of conscience," according to AI.

Other persons detained in early 1989 for unknown reasons included: Tozer Khonje, a government agronomist; Dave Mumba, an employee of a private company; and George Thindwa, an employee of the Ministry of Trade and Industry. Mtafu, Khonje, and Thindwa may have been victims of an antinorthern campaign (see Section 5). Aleke Banda, once a presidential confidant and high-ranking official, was quietly released from Mikuyu Prison in late 1988 and is currently under house arrest nearby. Detained in 1980, Banda has never been charged.

AI estimates that at least 30 persons were detained in the first half of 1989. Although Malawian secrecy makes an accurate estimate impossible, most observers consider this is a reliable estimate. Detentions continued, albeit at a reduced rate, late into the year. While forced exile has not been used as means of control, there is a small politically motivated outward flow of persons from the country. In late 1988, the Chairman of the Malawi National Education Board, Donton Mkandawire, was dismissed for allegedly packing the education system with fellow northerners. Reportedly fearing imprisonment, he subsequently fled to Botswana.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Malawi has both traditional and modern court systems. Lawyers are not permitted to assist defendants in regional traditional court cases, but legal counsel is permitted in the modern court system. The right of appeal exists in both court systems. The judiciary is not independent, and the executive does not hesitate to intervene in cases of interest to it, particularly those of political or security import.

The modern court system consists of the magistrate courts, the High Court, and the Supreme Court of Appeal. The President appoints the Chief Justice of the High Court and, after consultation with the Judicial Service Commission, other modern court justices. Most are well qualified. Due to much lower salaries, however, magistrates tend to be recent law school graduates with no experience. This is the level at which most poor persons (who cannot afford legal counsel) first come into contact with the modern court system. The latter is open to the public, and defendants are charged publicly. Due process, however, is frequently ignored. In 1989 several municipal officials including the town clerks of Lilongwe and Blantyre, were summarily fired. Some were detained, then released without ever being charged. None was permitted to defend himself in court. Several attempted to sue the Government for wrongful dismissal, only to be informed that their files had been closed by presidential decree.

The three traditional courts at the regional level deal with most capital offenses, including treason (the Chirwas were tried in a traditional court). Police officials handle the prosecution, and defendants conduct their own defense.

Traditional court justices are appointed directly by the President. Of the five members of each regional traditional court, three are chiefs without formal legal training, one is

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a trained lawyer who advises the court, and the fifth, the chairman, has had a course in law. There is little executive interference in traditional court cases dealing in nonpolitical matters of customary law.

The Forfeiture Act permits the Government to revoke the property rights of those suspected of economic crimes, such as illegal currency transactions. These revocations sometimes have political overtones and are almost always directed against the Asian community. When the Forfeiture Act is invoked, the person loses all worldly possessions, including business, financial, and personal assets. Revocation of property rights is carried out by executive fiat with no judicial review. The Forfeiture Act was not invoked during 1989, suggesting a government moderation in applying its draconian measures. The courts several times tried illegal currency cases instead. Punishments generally fit the crime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Police can enter houses of suspects at will under special entry authority to conduct searches for suspects or incriminating evidence. It is generally understood that telephones are routinely tapped and that a network of informers reports private statements and actions to the Government. Authorities open some domestic and international mail.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government does not tolerate criticism of any kind of its policies. It is an offense (5 years' imprisonment) to publish anything likely "to undermine the authority of, or public confidence in, the Government." Life imprisonment applies to "false information" sent out of the country which is "harmful to the interests or good name of Malawi." In practice, giving critical information to foreign journalists results in detention without trial. Any discussion of Malawi's political future or speculation about the President's age is prohibited.

Local media do not submit their news and programs to the Government beforehand, but self-censorship "guidelines" are generally understood. Journalists, including senior editors, have been jailed for extended periods for overstepping these "guidelines." Malawi's two newspapers and government-owned radio station exist primarily to catalog the Chief of State's words and activities. Nevertheless, criticism of the efficiency of some government departments occasionally appears in the media and often in parliamentary debate.

Foreign journalists must request permission to enter Malawi and must specify in advance the topics they intend to cover. Correspondents from the New York Times, Washington Post, and Financial Times visited Malawi in 1989 and wrote articles which would have been unheard of in past years. In a major breakthrough, two Western journalists were allowed to set up residence in Malawi. Although a spate of critical foreign press articles (of which they may have been innocent) temporarily compelled the two journalists to leave the country in October, they were allowed to return 2 weeks later.

All publications, recordings, and movies entering Malawi are

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screened by the Censorship Board. The current list of banned items includes well over 1,000 titles.

Limited freedom of inquiry into the natural and social sciences exists at the University and may include some examination of radical political ideologies, provided this does not extend to criticism of the Government.

b. Freedom of Peaceful Assembly and Association

Political meetings are not permitted outside the framework of the Malawi Congress Party. Persons may be imprisoned if they further the aims of an "unlawful society," defined as "any group considered to be dangerous to the good government of the republic." In the nonpolitical sphere, individuals and organizations generally are free to meet and associate.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state or preferred religion, but religious groups are required to register with the Government. Jehovah's Witnesses, whose religious convictions prevent them from joining political parties, have been banned since 1967. The Government considers the Witnesses' activities to be disruptive of "the prevailing calm, law, and order." Witnesses continue to be arrested and charged. In 1989 a Jehovah's Witness representative claimed that entire families were arrested in the period 1986-88 and are still in Dzeleka prison.

Other religious groups generally may establish places of worship and train clergy. Religious publications, like all others, may not criticize the Government or the party. Most religious groups are free to establish and maintain links with coreligionists in other countries, and members are free to travel abroad. Malawi's sizable Muslim minority conducts its religion and builds mosques freely. President Banda has publicly stressed the importance of providing the same civic services to Muslims which the Christian majority enjoys.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are few restrictions, in practice, on movement within Malawi for most citizens, though legal provisions exist for restricting movement of those convicted of political or criminal offenses. However, Asian residents and citizens, while free to travel within the country, must reside and work in one of four urban areas (Lilongwe, Zomba, Mzuzu, and Blantyre/Limbe). Denial of passports on political grounds frequently extends to family members of persons in political disfavor and to those persons the Government suspects may criticize it if allowed to travel abroad. Civil servants and employees of state-owned enterprises must obtain written permission to travel abroad, even on vacation. Obtaining such a clearance can take from a few days to several months. Formal emigration is neither restricted nor encouraged.

Malawi hosts the largest refugee population in Africa. Nearly 800,000 Mozambicans, located in heavily populated areas with little available land, have seriously strained the economy as well as transportation and social services networks. The

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Government has shared its own scarce resources and has encouraged and cooperated with international and private voluntary organizations to operate relief efforts. The latter are coordinated by a committee chaired by the Ministry of Health. The United Nations High Commissioner for Refugees and other international assistance groups travel freely to assess relief needs and to investigate allegations of protection problems.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens of Malawi do not, in practice, have the ability to change their government. Major political decisions are made by the President or his close associates. Opposition political parties or movements are not permitted. Membership in the Malawi Congress Party is not legally mandatory, but it is frequently coerced. Based on the 1987 census, over 70 percent of the adult population holds at least nominal party membership. Membership is expected of those who aspire to government positions (including the civil service) or professional success. Party membership is often required of schoolchildren and of those who seek access to government services or entrance to local markets. The annual renewal fee is only about 35 cents, but this can be nearly half a day's pay for a minimum wage earner. When the President visits an area, financial contributions from individuals and businesses are also levied.

The party structure provides for some choice among candidates for party, parliamentary, and other offices. All nominees, however, are selected by the party and approved by the President. Active political campaigning is not permitted. The National Assembly, consisting of both elected and a few appointed members, is mainly concerned with ratifying government policy. Its powers are broadly based in law but highly circumscribed in practice.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit organizations such as the International Committee of the Red Cross and Amnesty International to visit prisons or conduct human rights investigations in Malawi. It does not respond to their appeals. Local nongovernmental human rights organizations are not permitted to exist. Expressions of interest in alleged human rights problems by outside groups or persons are not welcomed. Repeated diplomatic efforts to discuss the case of Vera and Orton Chirwa with the Government have been rejected. Separate efforts in 1989 by representatives of the U.S. and West German Governments to discuss directly with President Banda the Mapanje and Dr. Mtafu cases, respectively, resulted in his angry rejection of what he termed interference in Malawi's internal affairs.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Asian residents, whether Malawian citizens or not, have been compelled to transfer ownership of rural shops and trucking businesses to ethnic Africans. Strict rules governing where Asians may own property effectively limit where they may reside. Changes in the citizenship law in 1986 eliminated a

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provision whereby persons who held foreign passports could reside indefinitely in Malawi. These changes in the law, together with actions under the Forfeiture Act (which has been applied in large measure against Asians), have led many in the small Asian community (about 5,000 persons) to leave Malawi and others to question their long-term future there. Some Asians began to return, however, in 1989.

Regionalism as a divisive domestic issue resurfaced during the President's annual crop tour in February 1989. Although the Life President evidently supported antinorthern campaigns in years past, this was the first time that President Banda allowed the full weight of his office to sanction regionalism openly. Prominent northerners who lost their jobs included: John Phiri, the Secretary for Trade and Industry. Hastings Chunga, General Manager of Sedom (the Government's small enterprise development scheme); and James Chatupa, the Government's Chief Geologist. Other northerners, notably Police Commissioner G. G. Mtawala and Chief Magistrate S.F.C. Munyenembe, were "retired" and stripped of their pensions. Several lesser officials were transferred to other jobs.

Perhaps to compensate, the President highlighted unity (from Malawi's four doctrinaire cornerstones) at the annual party congress in September, during Mothers Day in October, and at the closing of Parliament in November. It is unlikely that regional sensibilities were assuaged since few northerners who were detained, lost their jobs, or felt compelled to leave the country in 1989 have obtained remedial relief.

Most women are limited to roles defined by a traditional African society and do not have opportunities equal to men, although the President takes a special interest in advancing their status. Violence against women is not tolerated. At the annual party conference in 1989, the President made the entire Central Committee stand and acknowledge that any wife beaten by her husband could approach them directly for redress. Responding as well to a report of telephone harassment against a European woman, the President directed the police to tap phones, find the culprit, and send him off to prison for life without a trial.

Women enjoy access to maternal health services and to extension programs designed to improve their homemaking abilities. Such programs, while beneficial, have not given full recognition to the importance of women as agricultural producers in the rural sector (roughly 70 percent of all smallholder farms and over 50 percent of subsistence holdings are headed by women) and the potential role women can play in the modern sector. Males still have an advantage in education and employment, but the Government has initiated broad-scale programs to reverse existing discrimination. A third of the positions in the public education system, for example, have been reserved for women. Malawi's traditional tribal leadership structures remain primarily matrilineal. Several small ethnic groups grant few rights and privileges to women and occasionally continue to practice female circumcision.

Section 6 Worker Rights

a. The Right of Association

Nongovernment workers have the legal right to associate, form, and join unions, and labor unions do exist in the small wage sector. However, their activities are highly circumscribed by

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the Government, and they are generally ineffective in achieving gains for workers. Most wage workers are unskilled laborers on large agricultural estates. Labor unions must associate under the Trade Union Congress of Malawi (TUCM).

Malawi law provides for the right to strike, but strikes do not occur in practice. Ministry of Labor officers are quick to intervene at the first hint of labor unrest. With government supervision, the TUCM associates with international organizations and is affiliated with The Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

The Government allowed the Southern African Trade Union Coordination Council to open a permanent office in Malawi in 1988. It is headed by a former Malawian labor leader who was once detained for several years on political grounds. The Chamber of Commerce's general manager is also a former political detainee, illustrating that some persons are occasionally permitted to make a comeback in Malawi.

b. The Right to Organize and Bargain Collectively

Workers have the legal right to organize, and the law prohibits antiunion discrimination by implication. Complaints are resolved by the Ministry of labor. Collective bargaining is protected by law, but its use is limited. The Government has set a minimum wage and regulates working conditions, but it does not intervene overtly in the collective bargaining process. Labor legislation is applied uniformly throughout the country. There are no export processing zones in Malawi.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law and is not practiced.

d. Minimum Age for Employment of Children

The minimum working age is 14, but this applies only to the small urban wage sector where it is enforced by labor inspectors from the Ministry of Labor. In the large subsistence agriculture sector, the minimum age is not enforced, and children work on family farms at a younger age.

e. Acceptable Conditions of Work

Less than 15 percent of the work force is employed in the formal wage sector. For those fortunate enough to hold paid jobs, wages and working conditions are generally adequate, and paid holidays and safety standards in the workplace are required by law. However, enforcement of these standards is limited. Malawi's low wage levels reflect the abundance of unskilled labor and the Government's policy of limiting the urban-rural income gap to stem migration into the towns. Wage earners fare slightly better in living standards than the vast majority of workers engaged in subsistence agriculture. The minimum wage reflects the fact that Malawi is one of the poorest countries in the world.

New minimum wage rates, the first in 3 years, were implemented in May 1989. Minimum daily wages nearly doubled in Malawi's three cities, to 80 cents per day; and wage rates in rural areas increased 125 percent, to 30 cents per day. Wages for experienced skilled workers are increasing sharply as the supply of such workers diminishes, and large numbers of them find better paying jobs in S.A. and Botswana.

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Mali is a single-party state in which effective authority is exercised by General Moussa Traore, President of the Republic and Secretary General of the Democratic Union of the Malian people (UPDM), the country's only legal political party and supreme political entity. President Traore assumed power through a military coup in 1968, and under his leadership the military Government adopted a new Constitution in 1974. Since then, the military have retained a privileged position, but civilians have an increasingly important role in daily government operations and in the party. Military men continue to occupy 4 of the 7 regional governorships, 11 of the 46 districts, and an important number of lower level administrative posts, particularly in the border areas.

Mali maintains an army and air force, which provide both external and internal security. The gendarmerie (paramilitary police) assists in maintaining internal security.

With an annual per capita gross national product of approximately \$190, Mali is among the world's poorest countries. Mali is landlocked and lacks major mineral resources. Its economy rests on subsistence farming and animal husbandry. Good rainfalls for the second year in a row increased agricultural production and permitted some export of grains. However, it is too soon to say whether the cycle of drought and economic depression that has affected Mali in recent decades is over. Malnutrition, poor food distribution systems, and widespread unemployment remain persistent problems. Throughout 1989 the Government continued its efforts to modernize the economy, particularly through fiscal reform and privatization of state enterprises, but Mali remains heavily dependent on external aid.

Human rights remained circumscribed in Mali in 1989. The Government did permit publication of an independent newspaper and the establishment of a nongovernmental human rights organization. The infamous Taodenit prison remained closed. However, security authorities mistreated several students and held them incommunicado for several months for distributing pamphlets. Significant human rights problems included arbitrary detention, abuse of detainees, and restrictions on fair trial, freedoms of speech, press, and association, the right of citizens to change their government through democratic means, and worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No politically motivated killings were reported.

b. Disappearance

No incidents of disappearance, abduction, or hostage-taking were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government has issued specific instructions prohibiting brutality against suspects. However, physical abuse of

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suspected persons sometimes occurs during police interrogation or in confronting demonstrations. In 1989 authorities accused eight students of distributing political tracts and held them in incommunicado detention for 2 months. According to credible sources, they were seriously mistreated, and at least one of the students was tied and suspended by his hands for a prolonged period while undergoing interrogation. No officials were prosecuted or even reprimanded for these actions.

Prison conditions are harsh and characterized by inadequate medical facilities and food supplies. Mali's most infamous prison--Taodenit--was closed in 1988. In the past, the abysmal conditions at Taodenit contributed to the deaths of prisoners, including political prisoners held there. Amnesty International has called for a full and independent inquiry into the Taodenit deaths.

d. Arbitrary Arrest, Detention, or Exile

The Malian judicial system is based on the French model. Detained persons do not have the right to a judicial determination of the legality of their detention, but arrests cannot be made without formal charges. In political cases, the authorities do not always follow this practice, and incommunicado detention is sometimes utilized, as in the case of the eight students. Malian law does not provide for release on bail, but detainees are sometimes released on their own recognizance. Administrative backlogs often cause delays in bringing people to trial. Detainees are usually allowed access to a lawyer of their choice.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A part of the executive branch, the judiciary is not independent. The Ministry of Justice supervises both law enforcement and judicial functions. The Supreme Court is the highest court, with both judicial and administrative powers. The National Assembly can convene a high court of justice to hear cases against state ministers, but this court did not meet during 1989.

The eight students mentioned above were finally charged in August under a statute prohibiting the distribution of politically inflammatory material. When their case came to trial, seven were acquitted, and the court suspended the sentence of the one student who was found guilty.

Corruption remains a major political issue, and trials against corrupt officials continued in 1989, notably in the Special Court of State Security, a military court. The Special Court met in June and heard 47 cases. Of the 72 persons found guilty of corruption, 30 were sentenced to life imprisonment and 7 received death sentences. In the Special Court, defendants usually admit guilt in the hope of receiving a more lenient sentence and allow their lawyers to argue mitigating circumstances. The verdict and sentence are rendered by a panel of three judges, including civilian judges and armed force officers. The death penalty is mandatory under the law for anyone convicted of embezzling more than \$36,000. However, in most embezzlement trials restitution by the accused can decrease the severity of the sentence. Once convicted, a person can appeal for a presidential pardon or request a new trial. The right to request a presidential

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pardon or a new trial exists in mandatory death penalty cases.

As far as is known, there were no political prisoners being held at the end of 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Inviolability of the home is provided for in the Constitution and generally respected in practice. Police searches are infrequent, and warrants are issued and recorded, though sometimes after the fact. Local authorities sometimes seize and open mail extralegally. Under the law, private letters can be opened only if the country is facing political crisis. In such cases, the only organization which may legally open personal mail is the "Securite d'Etat," a special intelligence service responsible to the Presidency.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Malian Constitution does not expressly provide for freedom of speech and press. Malians take care to express criticism of the Government in accepted forums. In theory, criticism is permitted within the councils of the sole political party, which all citizens are encouraged, but not forced, to join. Questioning of government authority outside party deliberations is rare, although not expressly forbidden.

The Government controls most Malian media, which reflect official positions. In some instances media and public criticism of specific programs and of the performance of some government officials is allowed. An independent biweekly newspaper, Les Echos, which often contains sharp political commentary, began publication in 1989. Independent specialty magazines such as Jamana (a cultural publication) and Podium (a sports journal) also contain some political commentary and circulate freely. International publications, including those having articles critical of Mali and its Government, are available. Satire and social criticism, sometimes with a political cast, are occasionally evident in Malian government publications. Government authorities generally seize political tracts printed by organizations not formally recognized by the Government.

Academic freedom does not include the right to criticize the Government, nor is this right extended to the only recognized labor union, which is considered an arm of the Government. The union has, however, occasionally been critical of government policy.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of citizens to form organizations to protect their professional interests, but in reality only selected nonpolitical organizations such as urban professional associations qualify. The primary groups which assemble freely are the women's, youth, and similar associations of Mali's single political party. In 1989 a number of apolitical "amicales" or friendship groups sponsoring exchanges with foreign countries were established, but these associations do not have an overt political agenda.

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For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Mali is a secular state. The Government generally does not discriminate on religious grounds. Although 90 percent of Malians are Muslim, most other religions may practice their faiths freely and are permitted to establish houses of worship as well as schools. Christian missionaries of various faiths enjoy government cooperation. Proselytizing and conversion are permitted, except in the case of the Baha'i, who may practice at home but may not proselytize or establish houses of worship. The Government prohibits publications in which one religious group defames another.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Mali is generally unimpeded, although police checks sometimes occur in which Malians and foreigners alike are stopped, particularly at night. These checks are used ostensibly to restrict the movement of contraband goods and to check vehicle registrations. In practice, some police probably supplement their frequently delayed salaries by assessing ad hoc fines or confiscating goods. Malians are free to change residence or workplace. Foreign travel requires an exit visa, which is easy to obtain. Repatriation is not restricted.

In the past drought years, Mali both accepted and generated displaced persons. Several thousand Malians were repatriated from Algeria in 1986 and 1987. In 1989 Mali agreed to accept additional repatriates from Algeria. Mali also permitted entry to a number of persons who were expelled from neighboring Mauritania.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no ability to change their government and only limited and infrequent opportunity to influence it. Important policies and decisions are made by a small group--the President, the 19-member Central Executive Bureau of the UDPM, and the Council of Ministers. The memberships of these groups overlap. The military role in governing Mali remains important, but civilian participation in the leadership groups has been growing. Party congresses are called by the President to consider special issues.

Within the one-party system, multiple candidates often contest party elections at the local level, but for National Assembly elections, which are held every 4 years, only one carefully selected party candidate runs for each seat. Proposed legislation is debated and endorsed in the National Assembly after its acceptance by the Council of Ministers and review by the Supreme Court. Party membership is a prerequisite for voting and for holding a civil service appointment or other government position. All citizens are encouraged to join for a nominal fee.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is generally responsive to inquiries by recognized human rights groups, although it apparently has not replied to Amnesty International's call for an inquiry into Taodenit prison. In 1989 the Government permitted the establishment of a nongovernmental human rights organization, The Malian Association for Human Rights. This organization sponsored a number of seminars on human rights issues in 1989 and is attempting to encourage Malian participation in international human rights meetings.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mali does not practice religious or ethnic discrimination, nor does it have the civil and racial strife evident in many other multiethnic countries. Virtually all of Mali's ethnic groups are represented at the highest state and party levels. Although some nomadic groups such as the Tamashek are not completely integrated into the economic and political mainstream, Mali is relatively free of ethnic tensions.

Social and cultural factors place men in the dominant position in Mali. However, women play an important economic role, both in market life and in farming. There are a number of women in the professions, but economic opportunity for educated women is limited. Women live under harsh conditions, especially in the rural areas.

Violence against women, including wife beating, is accepted in Malian society, but there are no statistics to indicate how widespread it may be. Malian society generally does not tolerate spousal abuse that results in physical injury, but legal action for redress of injury is not normally available. The issue of spousal abuse has not been addressed by the Government. Nor is the National Union of Malian Women (UNFM) actively engaged in this issue. The UNFM focuses primarily on establishing cooperatives, improving health programs, and fostering education. It also campaigns against female circumcision, which is still widely practiced in Mali, including the most extreme form of genital mutilation, infibulation. The Government has taken no public position on this issue.

Traditional practice and existing Malian laws place women at a disadvantage with regard to family law and property rights. A group of female jurists is seeking improved legal protection for women. One issue being addressed by this group pertains to rights of widows. Currently, a widow has no right to her husband's property or custody of children conceived during the marriage.

Section 6 Worker Rights

a. The Right of Association

The Constitution specifically provides for the liberty of citizens to form organizations to protect their "professional interests." However, workers' right of association is limited to the National Union of Malian Workers (UNTM). The UNTM

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comprises 12 unions and is Mali's only recognized workers' organization. At present, there are no unions not affiliated with the UNTM. The UNTM claims to maintain a degree of autonomy from the Government, and unlike the women's and youth associations, it is not officially part of the party. It has on occasion offered limited criticism of certain government programs. Nevertheless, it is subject to considerable government influence and control, and the UNTM Secretary General is a party member, although not a member of the Central Executive Council of the UDPM.

Strikes are rarely permitted, and those deemed to be taken for political reasons are illegal. Given Mali's high level of unemployment, most workers are reluctant to strike for long periods of time. By law, any union planning to go on strike must notify the UNTM and obtain prior approval. In the case of student and teacher strikes which took place in 1988, no approval was given, but the strikes still took place and many participants suffered reprisals. The International Labor Organization's (ILO) Committee on Freedom of Association concluded that the resulting government-directed transfers, dismissals, and arrests of teachers constituted an infringement on their freedom of association. Malian teachers continue to have grievances, specifically over the nonpayment of salaries. There were no teacher strikes in 1989, but there were work slowdowns. In September drivers of minibuses in Bamako protested government attempts to impose stricter regulations on their activities. When there was no response to a complaint lodged through the transport union, drivers organized a 1-day protest strike. There were no government reprisals.

The UNTM maintains contacts with international labor organizations, both public and private. The UNTM is affiliated with two international labor bodies: the Organization of West African Workers and the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

There are no specific constraints by the Government or employers on workers attempting to organize, but in practice, Mali's unitary party system effectively inhibits the workers' right to organize. True collective bargaining does not take place. The UNTM has a policy role in the agreements negotiated by the individual member unions, and the Government, through the Minister of Labor, must approve all wage and related agreements.

There are no export processing zones in Mali.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and this prohibition is generally observed in practice. There have been reports that a form of traditional slavery is still practiced in some isolated parts of the country.

d. Minimum Age for Employment of Children

The minimum age for employment is 14, but with parents' permission children can be apprenticed at 12. In practice, children in rural areas join the family farming work force at a much younger age. As workers in the informal sector, they are not protected by laws against unjust compensation,

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excessive hours, and capricious discharge.

e. Acceptable Conditions of Work

Mali has a detailed labor code specifying conditions of employment, including hours, wages, and social security benefits. The normal workweek is 44 hours. The minimum wage is approximately \$42.50 per month, which could provide a decent standard of living if it went to support only one person. However, most wage earners support extended families. Health and safety standards vary, depending upon the category of work, but there is limited enforcement due to the lack of inspectors. Employers are required to pay into a national social security fund.

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The Islamic Republic of Mauritania has been governed since 1978 by the Military Committee for National Salvation (CMSN). Colonel Maaouya Ould Sid'ahmed Taya, President of the Committee and Chief of State, assumed power in 1984 after the bloodless ouster of the former president, Lt. Col. Mohamed Khouna Ould Haidalla. All 19 members of the Military Committee hold ministerial portfolios or occupy other key military or government positions. The Committee functions as a legislative body, while the President, assisted by his Council of Ministers and a few close advisers, wields the executive power. Political parties are not allowed in Mauritania.

The security forces number about 16,000 and, in addition to the regular armed forces, include the National Guard, the gendarmerie (a specialized corps of paramilitary police) and the police. The National Guard and police come under the Minister of Interior and all have internal security functions. Over the past 3 years, the Government purged security forces of hundreds of suspected dissidents, particularly non-Hassaniya-speaking black Mauritians and Pan-Arab Baathists.

Mauritania continues to face massive economic and social problems: drought, desertification, insect infestation, the Western Sahara conflict, extensive unemployment, one of the highest per capita foreign debts in Africa, poor infrastructure, inadequate health and education systems, and exodus from rural areas. Although adequate rains fell in 1988 and 1989, the prior drought years forced large numbers of nomads into towns, with a consequent weakening of traditional Maur nomadic culture, and a severe strain on government resources. In addition, mutual expulsions and repatriations between Senegal and Mauritania after April 1989 resulted in the movement of more than 100,000 people, placing an unprecedented economic and social strain on Mauritanian society. Many of the Mauritians who returned had been prosperous merchants in Senegal, and important sources of foreign exchange earnings. At the same time, many of the black Africans who departed had held important technical and skilled positions in Mauritania.

The human rights situation in Mauritania deteriorated dramatically in 1989. In April Mauritania experienced one of its most serious crises since independence, when anti-Senegalese rioting in Mauritania and anti-Mauritanian rioting in Senegal left hundreds dead. In the aftermath of the rioting, tens of thousands of Senegalese citizens as well as Pulaar-speaking Mauritanian citizens were expelled to Senegal. Tens of thousands of Mauritians and Senegalese of Maur origin similarly fled or were expelled from Senegal. Subsequently, the Mauritanian Government dismissed many Halpulaar civil servants and employees of state-owned enterprises from their positions. Although the Mauritanian authorities argued that the expellees were not true Mauritians, but rather Senegalese with false identity papers, the fact remains that in all cases persons were forcibly removed, often without being allowed to retain their possessions, and without due process of law. Reports of unlawful detention and torture also surfaced during 1989, and most other human rights, including political freedoms, remained tightly circumscribed.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There have been no substantiated cases of members of the Government or security forces perpetrating politically motivated killings. However, serious questions remain regarding the role of the Mauritanian security forces in the initial riots on April 24-25. During the early stages of the rioting, some police officers stood by without intervening, or may even have goaded on the rioters. The Mauritanian army was called in to quell the disturbances only on April 25. Whether these incidents reflected official government policy, or were isolated instances of individuals acting on their own, is unknown. The net results of the violence were numerous deaths and extensive property damage. The Government conceded a death toll of several scores, while other sources contended that several hundred persons may have died.

b. Disappearances

There were no substantiated reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Mauritanian law specifically precludes the use of torture. There were, however, recurring reports during 1989 that the security forces used torture against dissidents and against some non-Hassaniya-speaking black Mauritanians.

On February 27, five leaders of the December 1988-January 1989 student strike at the university of Nouakchott released a report describing their 4-day interrogation and torture at the hands of the police in December 1988. The students said they were deprived of food and sleep, forced to stand without clothes outdoors in the chill of night, kicked and beaten with rubber hoses, and suspended by their hands and feet from a steel beam until they became unconscious. Several also had their heads kept immersed in water until they feared drowning. According to their report, upon their release, several of the students could not walk and remained bedridden for over a week. The students provided the names of several of their alleged police torturers in their report. The Government is not known to have acted against the alleged torturers; neither, however, did it retaliate against the students, although the report was circulated widely.

In the aftermath of the April rioting, there were recurrent unsubstantiated reports of police detention and torture of non-Hassaniya-speaking black Mauritanians, particularly in the regions along the Senegal river. These reports generally involved incidents in small villages or remote areas and were thus difficult to verify. The recurring nature of these reports, however, lends credence to the overall impression that incidents of torture did in fact take place.

One report issued by Amnesty International (AI) involved the headmaster of a school in Tetiane, who was allegedly detained and tortured by the police in Kaedi in early June. The headmaster reportedly died as a result of this treatment. The

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same report alleged that four Pulaar-speaking black Mauritanian herdsmen were detained, tortured, and possibly killed by the police in the Kaedi and M'bout region, also in June. Numerous other unsubstantiated allegations of torture surfaced, often involving efforts by the local security forces to intimidate or force Pulaar or Wolof-speaking black Maurititanians into leaving their homes and going to Senegal.

Responsibility for such alleged activities is difficult to determine; there may have been incidents in which local security forces acted independently, without orders from their superiors. Furthermore, in several areas along the river local militias of mostly Hassaniya-speaking white and black Maurs were formed, ostensibly to guard against cross-border incursions from Senegal. Since some of these civilians were armed, it is possible that some cases of torture were carried out by these militias. On balance, even though some senior members of the regime continued to voice opposition to the use of torture, reports suggest that its use increased during 1989, especially in the aftermath of the April intercommunal violence, and there were no known instances of the Government punishing those responsible.

Prison conditions in Mauritania are harsh. Four political prisoners died from disease and malnutrition at Oualata Prison in 1988, in part because the prison commandant was systematically withholding food. As a result of these deaths and the international pressures they caused, the remaining prisoners were subsequently removed from Oualata, and the commandant was dismissed and reprimanded.

d. Arbitrary Arrest, Detention, or Exile

Mauritanian law in principle assures expeditious arraignment and trial, access to legal counsel, and the right of appeal. The courts must review the legality of a person's detention no more than 72 hours after his or her arrest. Compliance with this law, however, is inconsistent. For example, the five leaders of the University of Nouakchott student strike were detained for 4 days in December 1988 without a hearing. AI has also reported that one of these students, Abdallahi Ould Bah Nagi, was subsequently detained by the police on May 29 and held without a hearing. The apparent reason for his detention was his role in the distribution of a leaflet criticizing the expulsion of non-Hassaniya-speaking black Maurititanians by the Mauritanian Government.

In the aftermath of the April riots, there were widespread stories--often from persons in refugee camps in Senegal--of detention by local officials of Pulaar-speaking black Maurititanians living in the Senegal river valley. For example, three high school teachers were reportedly arrested and detained by gendarmerie in Bababe and eventually expelled to Senegal. There were numerous reports of intimidation, arrests, prolonged detention, and expulsion centering on security forces in Kaedi and Rosso.

AI also reported that a number of Pulaar-speaking black Mauritanian civil servants, including Oumir Tall, Amidou Tidiane Ly, Memkoudou Diop, Abdanlage Wane, were arrested and detained incommunicado in May 1989 in Nouakchott. These detainees were not charged with any offense, although unofficial sources suggested that they were held because of suspected involvement in movements opposed to the Government.

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In mid-November, there were widespread, credible reports of the arrest, detention, and possible torture of a number of Halpulaar teachers in the town of Kaedi. As many as 50 persons may have been detained without being officially charged, and by year's end their status remained unresolved.

Internal exile is a method of removing opposition figures from the public eye. Former President Haidalla and five of his associates, who were arrested during the 1984 coup but never charged, reportedly still remain in internal exile in remote locations. There were credible reports of the detention and exile without charges of several black Mauritanian civil servants and military personnel since May 1989. Many more were expelled to Senegal, in lieu of internal exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The legal system functions primarily under the Shari'a (Islamic law) put in place during the Haidalla regime. The Ministry of Justice plays the major role in administering the Shari'a and selecting judicial personnel. The Shari'a applies to most crimes and offenses, with the exception of commercial and banking offenses, traffic violations that cause bodily harm, and offenses against the security of the State. These three categories of offenses are all handled by the Special Court, which renders its judgments on the basis of laws modeled after French law. The Taya administration has urged the Islamic judges not to use extreme physical punishments, such as amputations, which occurred during the Haidalla regime. The Taya Government is slowly eliminating a number of unqualified Shari'a judges who were appointed during the Haidalla years. By virtue of a recent government decision, judges cannot be tenured before 7 years of service.

While trials in the ordinary courts are public, the State Security Court, which tries offenses against state security, may conduct secret trials. All defendants, regardless of the court, have the right to be present with legal counsel during the proceedings. If necessary, the accused is provided counsel at public expense. Defendants may confront witnesses and present evidence. They may appeal the sentences of the ordinary courts but not those of the Security Court. While the judiciary is nominally independent, some knowledgeable observers have claimed that judges take their cue from the Government when sentencing opponents of the regime.

The right to a fair public trial in Mauritania was, by any standard, severely abused during 1989. After April, thousands of non-Hassaniya-speaking black Mauritaniens, particularly in the Halpulaar community, were expelled to Senegal without any recourse to judicial proceedings. Those expelled often had no advance warning of their expulsion and no time or opportunity to carry any possessions with them. According to reports from refugee camps in Senegal, many were forced across the frontier river at gunpoint.

The Mauritanian Government contended that many, if not all, of the persons expelled were in fact of Senegalese nationality, and that their Mauritanian identity documents were fraudulent. Even if this were the case, an arbitrary determination of nationality seems to have been made without according due process to those affected. Furthermore, the Mauritanian Government appears to have ignored its own law, which

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specifies that all persons, including foreigners, have a right to the protection of their property and possessions and cannot be deprived of them except by a court decision. The widespread and credible reports of confiscation and destruction of identity papers by security forces indicated a conscious and concerted effort to circumvent the legal process.

The number of political detainees and prisoners held at the end of 1989 was unknown. In December the Government released 19 political prisoners, including the head of the outlawed Baathist Party arrested in 1988, and 18 non-Hassaniya-speaking black political activists convicted in October 1986 following antigovernment political agitation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In the past, government surveillance of individuals was generally limited to patrols on major highways and customs checkpoints, occasional nighttime inspections of vehicular traffic, and inspections of mail suspected of containing currency or prohibited items. Under Mauritanian law, the police require warrants to perform home searches.

The right to privacy was severely abused in Mauritania after April 1989. Expulsions of Pulaar-speaking black Mauritaniens involved systematic entry of homes by security forces and forcible removal of families, without search warrants or any legal proceedings. These activities occurred predominantly in villages along the river, and thus it is unclear to what extent they were officially sanctioned by the Mauritanian Government, and to what extent they were the work of overzealous local officials. After repeated diplomatic protests, the expulsions appeared to slow dramatically after mid-July, and there were reasons to believe that the Government was making efforts to control the situation. Nevertheless, there were continuing reports of government surveillance of suspected dissidents, as well as intimidation and harassment of Pulaar-speaking black Mauritaniens in the Senegal River valley.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is restricted. While Mauritaniens may criticize government policies in conversations with friends and relatives, they are somewhat more inhibited in speaking with foreigners. Military personnel are under tight surveillance, and expression of views that could be construed as even mildly critical of the Government is likely to result in close questioning by military security officers. The Government is quick to react to any public comments it thinks pose a threat to the security of the State. Many of those persons detained without a trial during 1989, including the five student strike leaders as well as many civil servants, were targets, it is believed, precisely because they voiced opposition to the current regime and its policies. In particular, the Government appeared to be sensitive to any expression of ethnic dissatisfaction or criticism of its ethnic policies.

Mauritania's only daily newspaper and the radio and television stations are government owned and operated. During the past 3 years the Government has allowed a limited amount of

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discussion of government policies within the context of interviews with government officials. In early 1988, the Government authorized the publication of two privately owned monthly magazines, *Mauritanie Demain* and *L'Evenement*. These publications periodically carried articles on mildly controversial social issues, but they refrained from any direct criticism of the Government.

b. Freedom of Peaceful Assembly and Association

Mauritanian law recognizes the rights of assembly and association, but since the 1978 coup the Government has banned all political movements and generally prohibited meetings of a political nature. Any formal grouping must be registered with the Minister of Interior. The Government usually does not interfere with assemblies and associations as long as they avoid political activity.

c. Freedom of Religion

Islam is the official religion of Mauritania; virtually all citizens are Muslim. Mauritanian Muslims are prohibited from entering non-Islamic houses of worship and from converting to another religion. Proselytizing by non-Muslims and the construction of Christian churches and other non-Islamic houses of worship require government permission. The Roman Catholic community in Mauritania has five churches which operate freely as long as they restrict their services to resident foreigners.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Traditionally, there have been few restrictions on movement within Mauritania, where nomadism has long been a way of life. Travelers, however, are subjected to routine police and customs checks along all major roads and at the country's international and domestic airports. During the riots of April 1989, dusk-to-dawn curfews were imposed in Nouakchott, Nouadhibou, and some other cities but were reduced and finally lifted as the situation calmed. During the final months of 1989, as cross-border incidents from Senegal increased, curfews were imposed in a number of villages in the Senegal river valley as well. Since 1985 Mauritaniens no longer need an exit visa to travel abroad, although there were reports of some persons being denied passports.

During 1989 large numbers of Mauritaniens had their citizenship effectively revoked and were subsequently expelled to Senegal. The revocations of citizenship, which may have involved as many as 50,000 people, appear in many cases to have been based entirely on ethnicity. Only non-Hassaniya-speaking Mauritaniens, particularly Halpulaar and, to a much lesser degree, other black African ethnic groups, were affected. Many of these displaced persons were not accorded Senegalese citizenship and thus in effect became stateless persons. At year's end, the Mauritanian Government had not taken specific steps to permit access to the courts by expellees who wished to obtain confirmation of their citizenship and right to return home. However, there was a small but indeterminate number of cases of acknowledged Mauritaniens being allowed to return, apparently as a result of individual extrajudicial petitions or intervention by officials.

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As many as 80,000 displaced persons arrived in Mauritania from Senegal during April and May of 1989. While many of these were Mauritanian citizen repatriates, many others were Senegalese citizens of ethnic Maur origin. The arrival of these repatriates and refugees placed a heavy additional burden on the Mauritanian economy. Although hard pressed for resources, the Mauritanian Government made commendable and largely successful efforts to assist all those arriving from Senegal. The Government also permitted the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) to establish temporary offices in Nouakchott to provide aid to displaced persons. There were no reports of refugees being returned forcibly to Senegal.

As a result of the ongoing conflict in neighboring Western Sahara between Morocco and the Polisario Front, a small number of refugees from the Western Sahara have settled in Nouadhibou and other northern towns. They have been successfully absorbed into Mauritanian society.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens of Mauritania are unable democratically to change their government at the national level. All political power rests in the hands of the military regime. The Military Committee for National Salvation (CMSN) remains the "custodian of the nation's sovereignty," and all executive and legislative functions reside with it. Membership is limited to military officers who occupy ministerial positions or important military and security posts. The CMSN is predominately comprised of Hassaniya-speaking Maurs, although members of other ethnic groups are members. However, non-Maur membership on the CMSN, as well as among those holding senior government or military positions, decreased in 1989 in the wake of ethnic tensions.

In early January, the Government held elections in 164 rural communes. All Mauritians, aged 21 years or older and residing in these localities, were entitled to vote, and the ballot was secret. In most localities, two or more slates of candidates competed for the electorate's vote.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Taya Government in the past has been generally responsive to human rights concerns. For example, it cooperated with the U.N. Human Rights Commission Working Group on slavery by allowing a representative to come to Mauritania to obtain information on this issue. In 1987 the Government permitted representatives of AI to visit Nouakchott for discussions on racial and ethnic tensions in Mauritania. In 1988 a delegation from the International Commission of Jurists and the Chairman of the African Jurists Association visited Mauritania to review human rights practices.

As a result of President Taya's public support for basic human rights, the Mauritanian Human Rights League was formed in 1986. The League, which is affiliated with the Paris-based International Federation of Human Rights, is staffed by volunteers who address such concerns as eradicating remaining vestiges of slavery, ensuring the uniform application of

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Shari'a law, promoting the status of women, and preventing abuses such as arbitrary arrest, detention, and torture. In 1988, the League hosted the first conference on Maghrebian human rights.

In the wake of the ethnic disturbances of 1989, the League experienced serious difficulties in its efforts to remain a viable and independent human rights organization. On May 3, 1989, League Director Ghali Ould Abdel Hamid was arrested for "threatening state security" at Nouakchott airport after he publicly faulted the Governments of Senegal and Mauritania for failing to address ethnic problems. Ghali was released after 34 hours of detention.

In the weeks following Ghali's arrest, the League continued to speak out on the subject of human rights abuses, and on July 21, 1989, issued a statement critical of government expulsions of non-Hassaniya-speaking black Mauritians. The League continued to face considerable pressure from the Government, however, and on July 31, 1989, issued a statement critical of AI's declaration condemning Mauritania's expulsions of its citizens.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mauritania is situated geographically and culturally on the divide between traditionally nomadic Arabic-speaking Maurs of the north and the sedentary black cultivators of the African south. The interaction of these two groups produces the complex cultural diversity as well as the ethnic tensions inherent in Mauritanian society. Historically, the Hassaniya-speaking white Maurs have dominated the political and economic system. Taken together, the Hassaniya-speaking black Maurs--members of the former slave caste--and Mauritania's non-Hassaniya-speaking blacks outnumber the white Maurs by a considerable majority. This racial majority is by no means cohesive, however, since black Maurs identify in many ways more closely with the white Maur population.

Many non-Hassaniya-speaking black Mauritians have long contended that since independence, white Maur domination in government, state enterprises, business, and religious institutions is a result of ethnic and linguistic discrimination. Their grievances have included a reduction of the numbers of non-Hassaniya-speaking black Mauritians at all levels of government, and the increasing use of Hassaniya rather than French in many sectors of Mauritanian government and business. They have also pointed to the Government's new land reform law as a means to allow white and black Maurs to take control of fertile land in the Senegal river valley that had been traditionally the preserve of non-Hassaniya-speaking black Mauritians. Recent movements of nomads into the Senegal river valley as a result of the decade-long drought in the north further exacerbated tensions.

The violence in April that resulted in many deaths was in general more the result of an eruption of underlying ethnic tensions rather than an officially sanctioned government policy, but the expulsions of non-Hassaniya-speaking black Mauritians that followed were largely orchestrated by Mauritanian security forces.

Both white and black Maurs were resettled into the villages in the Senegal river valley from which Halpulaar residents were

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forcibly expelled. While many of those resettled were themselves refugees from Senegal, others had moved from northern Mauritania in search of richer farmlands. These resettlements have set the stage for future disputes over land tenure and a continuation of ethnic tensions in the Senegal river valley.

Women in Mauritanian Muslim society are often limited to traditional roles, which may encompass considerable financial and civil autonomy, especially outside the few urban areas. The Government is encouraging the entry of women into the professions, government, and business. In late 1988, the Taya Government created a new Ministry of Women's Affairs, Arts, and Tourism, and appointed a woman as the first Minister. The Government has also been instrumental in opening up new opportunities for employment traditionally reserved for men, such as in hospital work. According to Mauritanian law, men and women must receive equal pay for equal work, and Mauritania's two largest employers, the civil service and the state mining company SNIM, respect this law. In smaller private enterprises, wages are often determined by informal bargaining, leading to sometimes significant discrepancies in what two persons are paid for the same work.

While data are very limited, violence against women does not appear to be prevalent in Mauritania. Female genital mutilation (circumcision) is a widespread, traditional practice. The Government has taken no position nor issued any statements on violence against women or on genital mutilation. In some areas of southern Mauritania, the most extreme form of mutilation, infibulation, is practiced. Some evidence indicates that the incidence of female excision is diminishing in the modern, urbanized sector, and for an Islamic country, women are allowed a relatively great degree of freedom.

Section 6 Worker Rights

a. The Right of Association

Workers are free to establish unions at the local and national level. There are currently 36 trade unions in the country. All, however, must be affiliates of the Union of Mauritanian Workers (UTM), by law the country's only central labor organization. The trade unions and the UTM elect their leadership democratically, and they are free to determine their programs and policies, provided these avoid political issues. The UTM is an active member of the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity.

Mauritanian law grants workers the right to strike. In practice, however, the Government discourages strikes, and they rarely occur. Under Mauritanian law, tripartite arbitration committees, composed of union, business, and government representatives, may impose binding arbitration that automatically terminates any strike.

In recent years, the UTM had been paralyzed by bitter factional disputes. In early 1989, elections and a national congress were held, and a new leadership moved quickly to revitalize the UTM. It did not, however, voice any opposition to the Government's dismissal of numerous non-Hassaniya-speaking black civil servants that occurred after April.

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b. The Right to Organize and Bargain Collectively

Unions are free to organize workers without government or employer interference. According to the UTM, close to 90 percent of industrial and commercial workers in Mauritania are members of unions. The laws providing worker's protection against antiunion discrimination are regularly enforced. Collective bargaining, notably to set wages, occurs informally between individual unions and employers but also involves the Government and the UTM. In addition, employees or employers may bring labor disputes to three-person labor courts that are overseen jointly by the Ministries of Justice and Labor. Labor leaders regard these courts as unbiased and effective. There are no export processing zones in Mauritania, and labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

The subject of forced labor is tied to the vestiges of slavery which exist in some areas of Mauritania. Slavery was abolished officially only in 1980, and some persons whose ancestors had worked without pay for generations for a particular family still occupied positions of servitude in 1989. This was due in part to the economic hardships they would have encountered if they had left. There were reports, however, that in some remote areas persons were sometimes held against their will and forced to perform unpaid labor. The authorities stop such practices when they come to their attention. The Taya regime is making a systematic effort to appoint members of the former slave caste to high government and military positions as a visible indication of the end of slavery.

d. Minimum Age for Employment of Children

Education is not compulsory in Mauritania, but Mauritanian law specifies that no child may be employed before the age of 13 in the agricultural sector without the permission of the Minister of Labor, nor before the age of 15 in the nonagricultural sector. The law provides that employed children aged 14 through 16 should receive 70 percent of the minimum wage, and those from 17 through 18 should receive 90 percent of the minimum wage. In practice, much younger children in the countryside pursue herding, cultivation, and other significant labor in support of their families' traditional activities. Although there are no data available, child labor in the nonagricultural sector is not widespread.

e. Acceptable Conditions of Work

In 1989 the guaranteed minimum wage for adults was equivalent to roughly \$70 per month. These wages barely enabled the average family to meet its minimum needs. The standard, nonagricultural workweek in Mauritania cannot exceed either 40 hours or 6 days without overtime compensation, which is paid at the following rates: 41-48 hours--115 percent; 49-54 hours--140 percent; 55 plus hours--150 percent of the base wage. Reliable data on actual wage levels is scanty and unreliable. Enforcement of the labor laws, the responsibility of the Labor Inspectorate, Ministry of Labor, is limited by the shortage of qualified personnel.

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A small, densely populated island country, Mauritius is a parliamentary democracy and a member of the Commonwealth of Nations. It is governed by an elected prime minister, a council of ministers, and a legislative assembly. The Governor General, with largely ceremonial powers, represents Queen Elizabeth II, the titular Head of State. Elections at national and local levels take place at regular intervals. There are four major political parties, which reflect a range of ideological views, and several smaller parties. Executive power has changed hands twice in the last 7 years through fair and orderly elections supervised by an independent commission. Prime Minister Jugnauth's coalition had its mandate renewed in general elections in August 1987.

Mauritius has no purely military forces; a paramilitary 700-man Special Mobile Force and a 240-man Special Support Unit are responsible for internal security. These forces, under the command of the Commissioner of Police, are apolitical, well trained, and backed by a general duty police force of approximately 4,000 men.

The economy, based on export-oriented manufacturing (mainly textiles), sugar, and tourism, experienced an economic boom during 1984-88, with an average real growth rate of 7 percent annually. Per capita income, in current terms, almost doubled, rising from \$1,065 in 1984 to \$1,921 in 1988. Unemployment fell from 21 percent in 1983 to 3.6 percent in 1988, essentially a full-employment situation. With the assistance of the World Bank and the International Monetary Fund, Mauritius has made remarkable progress in implementing a program combining adjustment, growth, and modernization. Prospects for 1989-90, however, are less optimistic. The emergence of labor and skills shortages, rising inflation, environmental issues, and other physical constraints are expected to slow down economic growth to around 4 percent.

The Government continued to demonstrate respect for human rights. Political and civil rights, including the freedoms of speech and press, are protected under the Mauritian Constitution and respected in practice. The August 30, 1987 elections for Parliament were preceded by intense campaigning, including regular public rallies. The controversial Dangerous Drug Act of 1986 calls, among other things, for the death penalty for traffickers. Under the Act, the defendant is tried by a judge without a jury, which is contrary to established practice.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

There were no reports of government-inspired political or extrajudicial killings.

b. Disappearance

There were no reports of disappearance of persons for political causes.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman punishment are prohibited by law, and there were no reports of degrading treatment or punishment. Vigorous enforcement of the Dangerous Drug Act has led to a decline in drug demand. Drug-related arrests declined in 1988 and 1989.

d. Arbitrary Arrest, Detention, or Exile

There have been no reports of arbitrary arrests or detentions since the early 1970's. Detained persons have the right to a judicial determination of the legality of their detention. In practice, this determination is usually made within 24 hours. Bail is commonly granted. The Supreme Court ruled invalid in 1986 a section of the Dangerous Drug Act of 1986 which had provided for detention without bail.

Exile is legally prohibited. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Mauritius' judicial system, modeled on that of Great Britain, consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Queen's Privy Council in the United Kingdom and is routinely made in the cases of death sentences. There are no political or military courts. The judiciary is independent. The Governor General, in consultation with the Prime Minister, nominates the Chief Justice and, in consultation with the Chief Justice, nominates the senior puisne (associate) judges. The Governor General nominates other judges on the advice of the Judicial and Legal Service Commissions. The legal system has consistently provided fair, public trials to those charged with crimes. Defendants have the right to private or court-appointed counsel. The judiciary is also charged under the Constitution with ensuring that new laws are consistent with democratic practice. There are no political prisoners in Mauritius.

The Dangerous Drug Act, which includes a mandatory death sentence for any person convicted of importing dangerous drugs, has been controversial. Some human rights organizations in Mauritius, as well as individual Mauritians, have criticized the provisions of the law that call for the death penalty and that provide for trial by a judge alone; all other serious offenses are heard by a nine-member jury. At the end of 1989, there were six persons in prison convicted on drug charges and under the death sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by law and generally respected in practice. The search of personal property or premises is allowed only under clearly specified conditions by court order or by police decision if an illegal act has been committed. There have been reports from reliable sources that the Government's intelligence apparatus occasionally opens mail and carries out surveillance of local opposition leaders and other major figures.

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In October 1986, following the Rault Commission on Narcotics, the Legislative Assembly amended the Mauritian Constitution with regard to drug traffickers and drug trafficking in Mauritius. The legislation increased the powers of any commission of inquiry to look into personal finances, including bank accounts; provided for fines of persons who refuse to testify; provided for fining a bank and revoking its license if it refuses to cooperate in a financial investigation; and provided for the seizure of all assets of convicted drug traffickers who cannot prove that their assets were obtained legally.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is protected by the Constitution and by local tradition. Sixteen privately owned daily, weekly, and monthly newspapers present varying political viewpoints and freely express partisan views. Newspapers are subject only to the legal constraints of libel laws. The Government owns the one television and two radio stations (one strictly educational), broadcasting in five languages. The television and radio are reasonably objective in news and entertainment presentation, although opposition politicians occasionally accuse the broadcasting corporation of political bias in its news coverage. Television and radio broadcasts are also easily received from the nearby island of Reunion (a French Department) and are not subject to interference by the Government. However, any foreign satellite broadcasts, or programs from foreign sources, which are deemed controversial are subject to approval by the Council of Ministers before transmission on local television or radio.

b. Freedom of Peaceful Assembly and Association

Mauritians enjoy the right to form associations, including political parties, trade unions, and religious organizations. Mauritius has a multitude of such private organizations. Political, cultural, and religious assemblies are commonplace. Although police permission is required for holding demonstrations and mass meetings, such permission is rarely refused. The registered political parties freely held large public rallies during the campaign for the August 1987 general elections, the October 1988 municipal elections, and the June 11, 1989, La Caverne/Phoenix by-election.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no official state religion in Mauritius, although Hindus are a majority. Hindus, Christians, Muslims, Buddhists, and others openly practice, teach, and proselytize their religions without prejudice. All religious institutions receive state subsidies in proportion to their memberships. There is no state-sanctioned discrimination against any ethnic or religious community. The Government facilitates the travel of Mauritians who make the hajj. Foreign missionaries are not allowed to enter the country without a prior request from a local religious organization.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on full freedom of movement within the country. Foreign travel and emigration are also unrestricted. There is no blanket guarantee of repatriation, nor general criteria for processing applications for repatriation; applications from the thousands of Mauritians abroad are handled on a case-by-case, and sometimes arbitrary basis.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change, and do change their government through democratic means. Mauritius is governed by a freely elected, unicameral Legislative Assembly, with executive direction coming from a Council of Ministers, currently headed by Prime Minister Sir Aneerood Jugnauth whose Alliance coalition won elections in 1983 and 1987. The Governor General has the right to designate the person charged with forming a new government following parliamentary elections or in a parliamentary crisis. Parliamentary, municipal, and village council elections are held at regular intervals. Voting and running for office are rights of all citizens 18 years of age and over.

In the Legislative Assembly, 8 of the 70 members are appointed through a complex "best loser" system designed in part to ensure that all ethnic groups are adequately represented. The governing (3-party) Alliance coalition controls 41 of the 70 seats. Political parties often match the ethnicity or religion of their candidates to the composition of particular electoral constituencies. In the August 1987 parliamentary elections, 89 percent of the 553,364 eligible voters cast ballots. Only 9,512 votes separated the winning and losing coalitions. The opposition controls the five major municipalities, and government parties did not contest the October 25, 1988, municipal elections. The governing Alliance won a June 11, 1989, by-election for the Legislative Assembly in the constituency of La Caverne/Phoenix.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no known requests by international organizations to investigate human rights violations in Mauritius. Several local human rights groups monitor developments without governmental restriction.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although Mauritius has a Hindu majority, the country's active press and strongly egalitarian traditions militate against discrimination in all forms. However, tensions based on ethnicity and caste do exist.

Women in Mauritius participate in all types of political, business, and social activities, and a few hold important positions. Nonetheless, traditional ethnic and religious attitudes hamper women in achieving true parity. The Mauritian Government seeks to improve the status of women, and recent amendments to laws ranging from emigration to

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inheritance have removed sex discriminatory sections. An interministerial committee, headed by one of the female ministers, was appointed in 1985 to address remaining discriminatory elements in local laws and practices. In its report in 1988, the committee, which was subsequently disbanded, found that there was little legal discrimination against women. One notable exception, that women cannot serve on juries, may be amended in 1990. The Government decided in July to appoint "desk officers" in the major ministries to oversee women's activities and ensure that the promotion of the interests of women are taken into account.

According to the Ministry of Women's Rights and Family Welfare, physicians, attorneys, and religious and charitable organizations, the problem of violence against women exists and appears to be fairly prevalent, although no reliable statistics are available. There are no special provisions in Mauritian law concerning family violence; there are virtually no institutions that attempt to deal with the problem. The Government's concern about the issue of violence against women has been evident, however. This concern was officially manifested in June 1989 when the Ministry of Women's Rights and Family Welfare established a family counseling service, managed by the National Council of Women, whose mandate is to provide family counseling and legal advice. Some 300 persons have availed themselves of counseling in the intervening period. This counseling has run the gamut of family problems, of which spouse abuse is only one of the issues. However, no specific campaign against spouse abuse has been undertaken. Police authorities are generally reluctant to get involved in instances of wife beating; penalties are rarely imposed and tend to be light. Spouse abuse is not publicly discussed in Mauritius.

Section 6 Worker Rights

a. The Right of Association

Mauritius has an active trade union movement. Almost 300 unions represent about 100,000 workers, more than one-fourth of the work force. Unions are free to organize workers in all sectors, including the export processing zone (EPZ) which employs about 90,000 workers. Less than 10 percent of EPZ workers are believed to be unionized. Unions can press wage demands, establish ties to domestic political parties and international organizations, and address political issues. Three of the five trade union activists who ran in the August 30, 1987, general elections were elected to the Legislative Assembly on the government slate. Wages have become a major issue in recent years as inflation has accelerated.

In theory, unions have the right to strike. However, in labor disputes, the British-modeled Industrial Relations Act (IRA) of 1973 requires a prestrike, 21-day cooling-off period followed by binding arbitration, which has the effect of making most strikes illegal. Refusal to follow IRA procedures in a mid-1988 textile plant strike led to the imprisonment of three union leaders for several days. Government supported labor/management negotiations ultimately led to the reemployment of most of the striking workers. A general strike called by the trade unions for July 4, 1989, received far less support than expected.

One leading federation actively supports the opposition party and is affiliated with the Communist-controlled World

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Federation of Trade Unions. The largest confederation, the Mauritian Labor Congress, is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

While the right of association is guaranteed by law, there is no legal provision for collective bargaining, which is neither protected nor promoted by the Government. In fact, the Government has imposed restraints on the collective bargaining system which render it ineffective.

The Government has established a National Remuneration Board (NRB) whose chairman is appointed by the Minister of Labor. The NRB establishes minimum wages for 26 categories of private sector workers (sugar, tea, transport, etc.) which apply equally to export processing zone workers. Although originally established to set minimum wages for nonunion workers, the NRB has broadened its powers and now issues remuneration orders that establish minimum wages, bonuses, housing and transportation allowances, and other benefits for almost all private sector workers. About 85 percent of all private sector workers (including unionized workers) are covered by NRB orders. Employers and unions are free to negotiate wages and benefits above the minimums established by the NRB, but this is rare. Wages and benefits for civil servants are established by the Pay Research Bureau (PRB) on the basis of the annual Chesworth Report recommendations. NRB remuneration orders set minimum wages by sector but also establish a wage structure based on length of service and job classification. NRB orders thus set wages for skilled and experienced workers whose earnings are well above the minimum wage. The PRB functions in a similar way for the civil service.

The Government has also established a Tripartite Committee, including employer and trade union representatives, which meets once a year and is chaired by the Minister of Finance. It can only recommend wage increases to the Government based on inflation. Its recommendations are not always unanimous, however, and the Government makes its decision on the basis of all the information it receives.

The International Labor Organization (ILO) Committee of Experts (COE) has for some time noted that the Industrial Relations Act does not give workers' organizations sufficient protection against acts of interference as provided for by ILO Convention 98 on the right to organize and bargain collectively.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and is not practiced. The COE, however, has noted that sections of the IRA, which empower the Minister to refer any industrial dispute to compulsory arbitration, enforceable by penalties involving compulsory labor, are in conflict with ILO Convention 105 on the Abolition of Forced Labor.

d. Minimum Age for Employment of Children

The minimum work age is 15. The Ministry of Labor is responsible for enforcing child labor laws. In practice, there is minimal enforcement of these laws, especially in EPZ-related industries where a labor shortage exists.

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e. Acceptable Conditions of Work

Conditions of employment, including wage and leave conditions, are generally sufficient to afford an acceptable standard of living for workers in the agricultural, service, and manufacturing sectors. However, the current rate paid for unskilled labor, \$8 per week during the first year and \$10 per week thereafter, is barely sufficient for a worker to have a minimum standard of living, and much depends in this respect on the type of additional benefits offered. The Government mandates minimum wage increases each year based on inflation.

A maximum workweek of 45 hours is allowed. Excessive overtime continues to be a problem in the EPZ. The Government addressed this issue in 1987 due to complaints that EPZ employers imposed long hours of overtime on employees--about 10-20 hours per week making for a 55-65 hour workweek. In addition, some EPZ employers still require women to work at night.

The Government sets health and safety standards, and conditions are inspected by Ministry of Labor officials. Enforcement is limited due to the small number of inspectors.

MOZAMBIQUE

Mozambique is a one-party state in which effective power is concentrated in the hands of President Joaquim Chissano and top officials of the party, the Front for the Liberation of Mozambique, or FRELIMO. The Constitution gives the President extensive powers to appoint and dismiss top officials in the ministries, courts, military and security organizations, and provincial governments.

Since the late 1970's, the FRELIMO Government has been under attack from an insurgent group, the Mozambican National Resistance, or RENAMO. Despite agreements between Mozambique and South Africa in 1984 and 1989, and the revival of a joint Mozambican-South African security commission aimed at investigating and ending support to RENAMO, most Mozambican policymakers believe aid from South African and other foreign groups continues.

The security forces include the armed forces of Mozambique (FPLM), numbering about 60,000 soldiers, a people's militia, and the Mozambican National Security Service (SNASP). For its part, RENAMO claims to have 25,000 men under arms and an additional 3,000 trainees. More than 7,000 Zimbabwean troops are assisting government forces, primarily in central Mozambique, with the objective of keeping the Harare-Beira railroad open. Approximately 700 to 800 Malawian troops are assisting in keeping the Nacala rail line open.

Mozambique has a mixed economy, consisting of state-owned enterprises, cooperatives, and private enterprises. Up to 85 percent of the population, however, is employed in small scale, semisubsistence agriculture. Once a self-proclaimed Marxist-Leninist party, the FRELIMO Fifth Party Congress in July removed the reference to Marxism and endorsed the 2-year-old economic reform plan which has fostered currency devaluations, budgetary cuts, and reductions in the areas of the economy reserved exclusively for state enterprises. While growth in 1989 was projected at 4 percent, the continuing civil conflict has undercut many of the benefits of the reforms. RENAMO deliberately attacks economic targets; in some areas, the prevailing anarchy has led to the total breakdown of internal trade. A combination of war and unfavorable weather has disrupted food production to the point that a third of the nation's population is thought to be dependent on international food aid.

Human rights were tightly circumscribed in 1989. Major human rights concerns were harsh prison conditions; the use of arbitrary, incommunicado detention, especially by SNASP; the denial of fair trials; restrictions on freedoms of press, assembly, and association, and the right of citizens to change their government; and serious limitations on worker rights. However, it became more possible during the year for people to voice their views, including in people's assemblies and public meetings. The Government and party, especially at the Fifth Party Congress in July, continued to address some of the abuses, reorganizing the legal system to reduce SNASP and military dominance of the judiciary. A new constitution which included a bill of rights was discussed in party forums at the end of the year and proposed to the public on January 9, 1990. Publication and ratification are expected in 1990.

The most blatant abuses of basic human rights occurred as a direct result of the conflict. Widespread reports of massacres directed against civilians, kidnappings, torture, and

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looting continued throughout the year. Most of these atrocities were attributed to RENAMO, but some were also attributed to government forces. Seeking an end to the civil war, which has cost 600,000 lives, the Government launched a peace initiative in January, using Mozambican religious leaders and Kenyan and Zimbabwean mediators to explore contacts. Despite these efforts, at the end of 1989 fighting had intensified. An estimated 2 million people were displaced, half of them living in refugee camps in neighboring countries, the remainder living in "accommodation centers" throughout the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Both sides were again responsible for the deaths of civilians in the course of their conflict (see Section 1.g.). Most of the killings are attributed to RENAMO forces. Deplorable prison conditions resulted in some deaths (see Section 1.c.).

b. Disappearance

There were no reports of government-perpetrated disappearances in 1989. However, there are thousands missing due to the conflict, including as a result of kidnappings in areas affected by the war. RENAMO, in particular, regularly holds civilians against their will, often employing them as porters or forcibly impressing them.

Amnesty International (AI), in a special 1989 report, expressed its concern about several disappearance cases, including those of Uria Simangi and Joana Simeno, and sought, without success, information from the Government on the whereabouts of a number of political opponents of the Government who disappeared from detention in the mid-1970's.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both government and RENAMO forces have been accused of torturing prisoners and civilians. Journalist William Finnegan described one 1989 incident in which FPLM soldiers severely beat a farmer they suspected of collaborating with RENAMO. RENAMO's systematic practice of beating or mutilating civilians continued unabated in 1989. According to many reports, RENAMO has cut off lips, ears, breasts, and limbs, burned or buried people alive, and forced family members to witness or participate in the tortures of their relatives. Former RENAMO soldiers claimed that threats of beating and torture were used to keep forced recruits from escaping.

In September the National People's Assembly repealed, for both military and civilian courts, Mozambique's controversial "flogging law" which allowed people convicted of certain offenses to be punished by whipping. In practice, very few courts have imposed the flogging penalty, although military courts sentenced two soldiers to flogging in the final weeks before the law was repealed. In February charges were brought against an agent of the popular police in Maputo, because he had ordered two women flogged without due process.

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Prison conditions in Mozambique remain life threatening. In June the local press reported that 15 prisoners had starved to death in a prison in Manica Province. Prison officials failed to purchase adequate food. The officials said severe budget cuts and inflation had deprived them of sufficient resources. In the aftermath of the scandal, provincial authorities launched an investigation of prison conditions and increased the prison budget.

Since 1988 the Government has allowed the International Committee of the Red Cross (ICRC) access to the prisons where national security prisoners, both those already convicted and those awaiting trial, are held. RENAMO does not permit ICRC access to areas under its control, claiming that it holds no prisoners.

d. Arbitrary Arrest, Detention, or Exile

The law requires that in most cases detainees be charged or released within 30 days. However, persons accused of the most serious crimes can be detained for up to 84 days without being formally charged or investigated. With court approval, such detainees can then be held for two additional periods of 84 days while the police complete their investigation. While detained, persons have the constitutional right to counsel and to contact relatives and friends. In some cases, detainees may be released from prison while the investigation proceeds, but the bail system in Mozambique remains ill-defined. The law provides that if the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released. In practice, however, this is often overlooked, in part because of the severe lack of administrative resources and trained lawyers.

The security police (SNASP) organized under the Ministry of National Security, have the power to arrest persons accused of political and economic crimes against the State, such as espionage or sabotage. In September the Government restored the right of political prisoners to submit habeas corpus petitions. These detainees now have the same rights as other prisoners: to contact a lawyer and to be charged or released within a set period of time. In practice, these guarantees are also often overlooked due a lack of administrative resources. The SNASP can also order preventive detention, for indefinite periods, and many persons are never brought before a court. These detainees are often held incommunicado and do not have the right to challenge the legality of their detention.

The number of political/security detainees awaiting trial as distinguished from those that had been convicted was unknown at year's end. An estimated 600 prisoners were held in SNASP military prisons at the end of 1989. In August under the authority of the amnesty law, the Ministry of Justice ordered the release of 1,600 prisoners from civilian prisons, including 100 security prisoners convicted under the defunct Revolutionary Military Tribunal.

There were no reports of anyone being exiled from Mozambique during 1989. The law of amnesty, first promulgated for a 12-month period in 1987, remained in force throughout 1989. The Government maintains that this amnesty permits any RENAMO member to return to civilian life and participate in the political life of the country. Over 3,000 ex-RENAMO members reportedly returned in 1988. The Government claimed that

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thousands more accepted amnesty in 1989, although many of these were probably civilians living in RENAMO-controlled areas rather than actual fighters. There have been few reports of mistreatment of amnestied RENAMO members.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Mozambique now has two complementary justice systems: the civil/criminal, composed of the judiciary under the Ministry of Justice and a police force under the Ministry of Interior; and the military justice system, under the Ministry of National Security. The latter has jurisdiction over most cases involving crimes committed by military personnel and cases of crimes by civilians which adversely affect the military. A separate court system for national security crimes, the Revolutionary Military Tribunal, was abolished in December 1988. The Minister of Justice appoints judges at the district and provincial level, while the President appoints judges to the newly formed Supreme Court.

With the establishment of the Supreme People's Court and the appointment of Supreme Court justices in the final months of 1988, the Mozambican legal system took on the final form envisaged in the 1976 judiciary organization law. Persons accused of crimes against the security of the people and the State (i.e., the majority of political prisoners) are now tried by the provincial courts under standard criminal judicial procedures, with the right of appeal to the Supreme Court. This represents a significant improvement over trials conducted by the former Revolutionary Military Tribunal.

Nonpolitical trials conducted by the regular civil and criminal court system are generally fair, are held in public, and carry the right of appeal. However, a large backlog of pending cases has resulted in long waiting periods before cases are brought to trial. Political trials can be held in public; but SNASP can order that a specific trial be closed.

In theory, SNASP's influence over the judicial process has been greatly reduced, although its extensive detention powers are apparently unchanged. Whether provincial courts will be able to resist executive and military influence in political and security cases has yet to be tested. As far as is known, there were no such cases tried at the provincial level in 1989.

In addition to the regular people's courts at the provincial and district levels, there are at the local level customary courts which handle matters such as estate and divorce cases. The proceedings are usually conducted in public by a trained representative of the Ministry of Justice, assisted by two or four popularly elected lay judges instructed to exercise common sense and to apply locally accepted principles.

The Military Crimes and Military Tribunal law which took effect in 1988 established a nationwide system of brigade courts and provincial military courts and specified military-related crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

In areas of active insurgency, homes are entered at will by security or police forces. It is widely assumed that

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surveillance devices are employed to monitor local and international telecommunications systems and that mail is periodically inspected.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

In 1989 RENAMO staged a series of attacks in every province of the country. The Government responded with a July offensive on RENAMO's headquarters in central Mozambique. Both government (FPLM) and RENAMO forces were again responsible for violations of humanitarian law in 1989, although RENAMO abuses continued to be much more widespread and systematic. Attacks against civilians were reported almost daily, and, given the remoteness of much of the countryside, many more attacks undoubtedly went unreported.

In January refugees crossing into Malawi from Tete Province said that in several separate instances FPLM forces had herded suspected RENAMO sympathizers into their huts, which were then set ablaze. Although the refugees were vague about numbers, scores of people died. In general, however, FRELIMO abuses, especially summary executions, have declined since the implementation of the Government's heavily publicized amnesty program. Government forces occasionally forced rural people into guarded villages, especially in areas where local sympathies for RENAMO were thought to be high. A Maputo daily newspaper reported that civilians, mainly in rural areas, complain of living in fear of FRELIMO soldiers' misconduct, especially in their abuse of women. AI reports that in May and June 1989 six soldiers and militia members were charged with various offenses. The local media have published accounts of punishments for such abuse.

Numerous credible sources report that RENAMO still executes noncombatants after attacks on villages, often hacking or burning people to death, apparently to intimidate would-be resisters. Such assassinations are especially aimed at any representative of the Government, including party officials, school teachers, and health workers. In one such attack on a communal village in Gaza Province in the south, 54 civilians are said to have died. In March RENAMO killed three Italian Capuchin priests and held one captive briefly after attacking their mission. In July, apparently timed for the Fifth Party Congress, RENAMO forces attacked a suburb 6 miles north of Maputo, killing four civilians, and, according to government sources, torturing four others, including an 8-year old child, by cutting off their ears. Also in July RENAMO guerrillas reportedly killed more than 80 civilians in an attack on Ressano Garcia, a town close to the South African border.

Numerous other refugee accounts accuse RENAMO of systematically kidnaping civilians, including children, some in their early teens, who are forced to bear arms for RENAMO. RENAMO also forces civilians, after an attack on their settlement, to carry confiscated items back to RENAMO camps; those prisoners too weak to keep up are sometimes killed. Prisoners allegedly are forced to cultivate food for the insurgents, and violence against women, including rape, is common. RENAMO's policy of deliberate destruction of economic targets, including factories and land transportation facilities, has touched off famine conditions in some areas, particularly Zambezia Province. Relief convoys, health workers, and clinics were frequently targeted for attack.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

In 1989 Mozambicans were allowed to speak freely on many issues, but press freedom was restricted. The Constitution provides for freedom of speech and opinion and citizens are officially encouraged to express their views in grassroots and higher level party meetings. The FRELIMO Fifth Party Congress in July was the culmination of a year-long debate on wide-ranging policy matters in party assemblies nationwide.

The national media remain small and controlled. The two radio stations and one television station are government owned; the print media are owned by private entities, but the Government makes key management decisions and provides subsidies. There is no prior censorship, but it is understood that the press must follow certain guidelines; it cannot contradict government policy, and it must support the general goals of FRELIMO. Within these limits the media can engage in vigorous investigative reporting. In 1989 the media featured frequent press exposes of incidents of official abuse of power, bureaucratic mismanagement, and government and military corruption.

Given the problems of poverty, illiteracy, and shortage of hard currency, the market for books and publications is small. However, some foreign publications, including independent Western news magazines, do occasionally appear in bookstores. Church groups circulate newsletters and pastoral letters. Western journalists (including Americans) are welcome in Mozambique, and the Government assists in their visits. Regular foreign radio broadcasts and South African television are received without interference or restrictions.

Academic freedom is circumscribed. Some attempt is made to encourage teachers to promote pro-FRELIMO patriotism and to provide texts with a similar bias. In fact, resource limitations render these attempts ineffectual. Students at the university level complain of "elitism" on the part of senior professors which discourages the full interchange of ideas more than they complain of ideological limitations on debate.

b. Freedom of Peaceful Assembly and Association

No political organization is permitted outside the party. The Constitution provides for freedom of assembly and association, but it also makes FRELIMO, the "guide of the organs of state power," the only legal political organization. All mass organizations, such as the women's and youth's organizations and the sole labor union, are associated with the party. Nonpolitical association is uncommon, but permitted (e.g., leading private businessmen formed an association in 1988).

Organized protest and demonstrations are rare. One major exception was a student strike in May at Eduardo Mondlane University. Students, while carefully stressing that theirs was not a political movement, demanded improved living conditions, scholarships, and a more representative student organization than that provided by the FRELIMO-linked organization of Mozambican youth. Eventually, high government officials addressed some of their demands, and the students returned peacefully to their classes, without penalty.

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For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution mandates strict separation of church and state and guarantees individuals the freedom to "practice or not practice a religion." Religious institutions, however, are required to "conform with the State's laws." The Government does not require religious organizations or missionaries to register, and foreign missionaries are readily granted visas.

In the early postindependence period, relations between the Government and religious organizations were frequently tense and characterized by numerous expropriations of church property and official criticism of religious activities and beliefs. In recent years, however, the Government has attempted a rapprochement with religious institutions that intensified in 1989. The Government and party leaders praised major denominations for their contribution to Mozambican social development, and the Fifth Party Congress decided to allow private entities, presumably including religious institutions, to operate schools. In December the Government returned the Maputo synagogue to the local Jewish community. In the formal dialog between the Government and leaders from several religious denominations, the discussions centered on a comprehensive law to resolve such issues as the extent to which religious groups can print and distribute publications, the ownership of some expropriated church properties, and whether Muslim women can be exempt from obligatory military service. However, the Government has not yet returned a Maputo church seminary or passed legislation on religious freedom, as it had indicated it would do.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

As an emergency security measure and to prevent evasion of conscription, the Government requires all citizens to obtain travel permits from the local authorities. In practice, this directive is often ignored because of the lack of administrative control and resources in parts of the countryside. However, many religious leaders complain that government security regulations requiring missionaries and others to seek permission for interprovincial travel interferes unduly with their work. The Government also requires people to move from areas designated as security zones. There is no exile or revocation of Mozambican citizenship for political reasons.

Presently, some 385 refugees of various nationalities, including South African, have successfully sought refugee status in Mozambique. These refugees receive material aid from the United Nations High Commissioner for Refugees (UNHCR) with the full cooperation of the Mozambican Government. There are no reported cases in which refugees have been forced to return to countries where they have a well-founded fear of persecution.

Security conditions have forced many Mozambicans to leave their homes. An estimated 1 million are internal refugees, living mainly in displaced persons camps scattered throughout the country. In these camps, they receive emergency aid from the Government and from the international community. Many

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thousands more have taken refuge in neighboring countries. According to recent estimates, 627,700 Mozambican refugees are in Malawi alone. Other receiving countries include Zimbabwe, with 74,000 refugees; Tanzania, 72,000; Zambia, 24,000; and Swaziland, 10,000. Another 38,000 are thought to be in South Africa, although this estimate is only an approximation, given the difficulty in distinguishing economic migrants from displaced persons and refugees.

While Mozambican law does not address the issue of emigration, in practice the Government does not interfere with those who wish to leave. The Government readily accepts and aids repatriates. An estimated 116,000 refugees have returned to Mozambique, some on their own initiative and some through UNHCR voluntary repatriation programs coordinated with neighboring governments. South Africa routinely repatriates undocumented Mozambicans, although in recent well-publicized instances, they have allowed the temporary entry of villagers who are fleeing RENAMO attack. The Government has protested these involuntary repatriations, including from Zimbabwe, but is unable to prevent them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government or the laws that govern them. In practice, the President and the Council of Ministers control policymaking and implementation. The President has extensive appointive powers in both his government and party roles. He sets policy guidelines in consultation with the 12-person Politburo and the 164-member Central Committee of FRELIMO, whose members are elected at party congresses at 5-year intervals. The Constitution does not allow the formation of new or dissenting parties. Non-FRELIMO party members, however, may and do participate in the Government, including at the ministerial level.

People may choose delegates to a series of hierarchically organized peoples' assemblies, including the National People's Assembly, from a slate of candidates prepared by FRELIMO. The peoples' assemblies have been the scenes of occasional spirited debates, but they function largely as advisory bodies, with little real power to initiate policies not sanctioned by high-level authorities.

Following the contacts between church leaders and RENAMO groups in Kenya, the Government and party publicly backed peace talks with RENAMO. The Fifth Party Congress endorsed a negotiated settlement but stipulated that RENAMO must agree to renounce violence and support the current Government, its laws and Constitution. President Chissano also asked the Presidents of Kenya and Zimbabwe to help mediate the conflict. For its part RENAMO demands free elections and a multiparty system. However, there is considerable variance between RENAMO's demands and its practices in its areas of operations. RENAMO has not established any recognizable administrative machinery that might provide a more concrete indicator of its plan of government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government was increasingly receptive to international human rights monitoring groups in 1989. An AI delegation

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visited Mozambique in September, at the Government's invitation, and AI's subsequent report commanded favorable, if selective, comment by the Government. The decision to repeal the law on flogging may have been influenced by concern expressed by various international groups.

The ICRC now has access to security prisons nationwide and is likely to begin visits to civilian prisons, where some security prisoners are reportedly held. The Ministry of Justice and the ICRC organized a conference on human rights in March to discuss the application of human rights principles in international human rights conventions and the problems of refugees and asylum in Mozambique. U.N. agencies, such as the UNHCR and the International Labor Organization (ILO), also have programs in the country.

There are no internal Mozambican human rights organizations, either official or independent. Current restrictions on freedoms of speech and press would make it difficult, if not impossible, for any group to report fully and objectively on the Government's human rights policies.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

According to official government policy and pronouncements, Mozambique is a multiracial, nondiscriminatory society. There does not appear to be any systematic persecution on the basis of ethnicity or race. There are no ethnic or racially based quotas on government employment or benefits, nor is the Government controlled by any one of Mozambique's 10 major ethnic groups.

Nonetheless, the FRELIMO Government tends to include a disproportionate number of southerners, mostly from the Shangaan ethnic group, at all levels. Members of the northern Makonde tribe are well represented. White, Asian, and mixed-race Mozambicans are also heavily represented relative to their numbers in the population, causing a certain degree of resentment. However, whites, Asians, and those of mixed race are not allowed in the military. Most observers, both Mozambican and foreign, believe that ethnic imbalance results from the greater educational opportunities available to southerners and nonblacks under the former colonial administration and not from deliberate government policies. In 1989 the disproportionately high number of Shangaan speakers in higher education was cited by university and government officials as an injustice requiring priority action. It is widely believed that the personnel changes following the Fifth Party Congress were intended to promote greater regional balance. The Government has also been undertaking a little publicized "Africanization" program of moving black Africans into positions formerly occupied by whites.

The leadership of the RENAMO insurgents is predominantly from the Shona-speaking ethnic groups who live near the Zimbabwean border.

The Constitution forbids discrimination on the basis of sex and mandates equal rights and responsibilities for women. Family law requires that women have equal property rights and rights over the children in any marriage. FRELIMO's mass organization for women, the Organization of Mozambican Women (OMM), has made a long-term project of studying the

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traditional practices of the various ethnic groups and challenging, through grassroots education programs, those practices that are determined to be detrimental to women.

According to medical and other sources, violence against women, especially wife beating, is fairly widespread in Mozambique, especially in the rural areas. The police do not normally intervene in domestic disputes, and cases are rarely brought before the courts. Official government policy is against such violence, but it has not addressed the issue specifically, and its influence is weak, especially in many rural areas affected by the civil war. The FRELIMO women's organization has a campaign to change public attitudes. Other practices, such as female genital mutilation (circumcision) and bride-price payments, also continue in some rural areas. Female circumcision is found most frequently in coastal areas, particularly among Muslim groups.

Section 6 Worker Rights

a. The Right of Association

All workers are free to join or not to join a trade union. However, all trade unions must belong to a central labor union association, the Organization of Mozambican Workers (OTM), which is loosely affiliated with FRELIMO. Trade unions independent of the OTM are prohibited by law, and there has been no known effort to form another federation. In past years, over half of the salaried workers in Mozambique belonged to OTM-affiliated unions. However, press reports indicate that union membership in Maputo Province, where a disproportionate number of Mozambique's salaried workers are located, actually decreased in 1989. Many factories have been destroyed in the conflict with RENAMO, forcing OTM members who lost their salaried jobs to turn to subsistence agriculture. Other workers have become too impoverished to pay union dues.

Unions do not have the right to strike in practice, and there was no known strike activity in 1989. High unemployment makes strike action ineffective. In mid-1988, a wildcat strike by dockworkers ended when the Government fired the strikers and replaced them with newly hired workers.

The OTM considers its relations with international trade union organizations to be an important element of its mission, and it frequently serves as a conduit for foreign assistance to Mozambican trade unions. The OTM is not affiliated with any non-African international trade union organizations. It is a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council. The OTM participates in exchange and training programs with the American Federation of Labor and Congress of Industrial Organizations and with unions from several Western European nations. The OTM also has extensive ties to Soviet and East European unions.

b. The Right to Organize and Bargain Collectively

Workers are only allowed to organize and negotiate with employers within the OTM structure. Union membership is voluntary, but the Government encourages workers to join and actively participate in unions. The Government sets wage rates, so collective bargaining, as such, does not exist. However, the Government consults the OTM on labor and economic policies which affect unions, and the OTM monitors

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occupational safety conditions.

One of the OTM's primary activities is to represent workers at disciplinary action hearings and during labor disputes. The OTM sponsors a number of training programs for workers and operates a canteen service to provide low-cost meals at work sites and factories.

Some professional organizations, such as the Association for Journalists, Writers, and Musicians, have attained quasi-union status following a 1988 agreement that allowed them to petition the National People's Assembly for improvements in members' working conditions. The Association of Mozambican Journalists received a significant wage increase for its members as a result.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law; there have been no reports of such labor practices by the Government. RENAMO reportedly forces kidnaped civilians to perform various support functions, including portering arms and supplies, and growing food for combatants.

d. Minimum Age for Employment of Children

Child labor is regulated, and in the wage economy the minimum working age is 16. Because of high adult unemployment, there are few children in regular wage positions. However, minor children commonly work on family farms or in the urban informal sector, where they perform such tasks as watching cars or collecting scrap metal.

e. Acceptable Conditions of Work

The minimum wage is set at about \$27.50 per month at the current official exchange rate, although it is less than half that amount in dollar terms at the black market rate of exchange. This salary is not adequate to sustain an average worker's family, especially under the ongoing economic reform plan which reduced or removed government subsidies on many basic goods. Given the 40 percent unemployment rate and the occasional lack of effective government enforcement, many salaried workers are probably receiving less than the minimum, and workers must turn to second jobs, if available, or more likely to subsistence agriculture to survive. An estimated 85 percent of the work force is engaged in semisubsistence agriculture, which is not covered by minimum wage legislation.

The standard legal work week is 44 hours. Women workers are guaranteed 2 months paid maternity leave, although it is difficult to ensure compliance with these regulations. If firms have day-care facilities, women reportedly have the right to two breaks of 30 minutes duration daily for a year to feed their children.

Most of the population is engaged in subsistence agriculture and is not affected by the wage economy and government regulations regarding working conditions. In the small, modern sector, the Government has enacted health and environmental laws to protect workers. On occasion, the Government has closed firms for noncompliance with these laws, but enforcement is difficult in the current economic situation.

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Formerly German South West Africa, Namibia since 1915 has been ruled by the Republic of South Africa. Under the terms of the Tripartite Agreement signed in New York on December 22, 1988, by the People's Republic of Angola, the Republic of Cuba and the Republic of South Africa, South Africa agreed to implement the U. N. Plan for the independence of Namibia in accordance with United Nations Security Council Resolution (UNSCR) 435. Implementation of the UN Plan began on April 1, 1989, and will continue until Namibia becomes independent, which is scheduled to occur by April 1, 1990. Until independence the South African Government through its Administrator-General (AG) will continue to administer the territory under the supervision and control of the Special Representative of the U.N. Secretary-General (SRSG) and the United Nations Transition Assistance Group (UNTAG).

The South West Africa People's Organization (SWAPO) won Namibia's first free election in November for a Constituent Assembly which will prepare a new constitution, but it failed to gain the two-thirds majority needed to have a free hand in in drafting the constitution. SWAPO, primarily an African nationalist organization with previous ties to Eastern Europe, Angola and Cuba, had waged a 23-year bush war against South Africa for Namibia's independence. Until recently, SWAPO advocated a Marxist-oriented economic and political system in Namibia, but since implementation of the U.N. Plan it has espoused the importance of a free market economy and democratic principles. At SWAPO's suggestion, the Constituent Assembly adopted the framework for the Constitution which will embody the basic principles governing the organization and powers of the government, the holding of elections, and protection of human rights agreed to in July 1982 by the parties involved in the U.N. Resolution 435 negotiation process.

The Transitional Government of National Unity installed by South Africa in 1985 was disbanded in March 1989 and its functions absorbed by the Administrator-General. A general cease-fire took effect in the guerrilla war in the north in September 1988 and held until April 1, 1989. On that date, SWAPO sent hundreds of armed members of its military wing, the People's Liberation Army of Namibia (PLAN), across Namibia's northern border, violating the cease-fire and its obligations under UNSCR 435. Widespread fighting erupted throughout northern Namibia, in which over 300 PLAN fighters and about 30 members of the reactivated special counterinsurgency unit known as "Koevoet" (which means crowbar in Afrikaans) and other security forces were killed. Following vigorous diplomatic efforts by the countries concerned, on May 19, 1989, South Africa, Angola, and Cuba agreed that the situation was under sufficient control so that implementation of the U.N. Plan could proceed.

After mid-May, implementation of the U.N. Plan radically changed the political atmosphere. The South African Defense Force (SADF) withdrew on schedule, and a residual 1,500 SADF men, who were confined to base under UNTAG monitoring, departed shortly after the elections in November. The South West African Territorial Force (SWATF) was disbanded, and its weapons placed under UNTAG control. Over 40,000 exiled Namibians, mostly SWAPO members, were repatriated. Exiled SWAPO leaders, including SWAPO President Nujoma, returned and openly campaigned in the elections. Under the terms of the UN Plan, on July 20 after talks with the SRSG, the AG released 24

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political prisoners. SWAPO had called for the release of another 8 being held in Windhoek jail, but the SRSg was advised by an independent jurist that they should not benefit from the political prisoner amnesty program. At year's end, three were still being held: one was serving a 20 year sentence for sabotage and murder as a result of a bomb blast in Oshakati in 1987; the other two were serving lesser sentences for bombings in 1987 and 1988. In addition, amnesty was granted to persons born in Namibia who chose to return under the auspices of the United Nations High Commission for Refugees (UNHCR).

Many of the detainees held by SWAPO in prisons in Angola were released, although 256 remained unaccounted for, and 115 were presumed dead. Many were allegedly murdered by SWAPO while being held in SWAPO prisons in Angola. South West African laws deemed by the SRSg to be prejudicial to holding of free and fair elections--including many security laws used to suppress political activity--were repealed. The AG disbanded Koevoet on September 30. The AG also created the O'Linn Commission, a special commission under a respected human rights advocate with broad powers to investigate charges of intimidation and election malpractice. This commission made two judgments against instances of police and political party misconduct. It found alleged former members of Koevoet guilty of assaulting SWAPO supporters on their way to a police station in Ovamboland to obtain permission to hold a political rally. The Commission also found against a policeman in Caprivi who attempted to cover up an assault on a SWAPO supporter.

Certain persistent problems plagued the implementation process. Reports of misconduct by the South West African Police (SWAPOL), such as intimidation at political rallies and harassment of pro-SWAPOL supporters, continued through September. SWAPOL was also accused of being pro-Democratic Turnhalle Alliance (DTA). In addition, former members of the SWATF were reportedly responsible for many incidents of anti-SWAPOL harassment and intimidation. Press reports issued during the election period from UNTAG and the AG's office indicated that both SWAPO and the DTA practiced intimidation against each other and the smaller parties. Responding to an increase in incidents through August, the SRSg called on the leadership of the political parties in September to agree on a code of conduct aimed at reducing violence and ameliorating the atmosphere of mutual suspicion and tension.

Unfortunately a terrorist incident marred the implementation process. Extremist whites were allegedly responsible for a bombing attack in August on an UNTAG office in Outjo in which a Namibian citizen was killed. Three suspects, members of the "White Wolves," a self-proclaimed white supremacist organization, were arrested and arraigned on charges of arson and murder in September. Press reports citing police investigations alleged that the White Wolves had ties to other extremist groups in South Africa. On December 5, the suspects escaped from police custody and were still at large at year's end. Also in September a prominent white official of SWAPO was assassinated. SWAPOL arrested a suspect 2 days later, who remained in police custody in Windhoek prison at the end of 1989 charged with murder. Anonymous callers identifying themselves as White Wolves claimed responsibility for the murder and threatened other white activists with death. Except for the April 1 incursion, SWAPO has not been linked to terrorist incidents.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were several charges of politically motivated killings during 1989. In Rundu in August, two policemen shot and killed a former Koevoet member who had joined SWAPO. While the policemen claimed they fired in self-defense, local human rights advocates suspected the former Koevoet member was murdered. Also in August, Petrus Joseph was murdered, allegedly because he had complained of police harassment for some time. Petrus, along with Paulus David and four other ex-Koevoet members, had obtained a court order in March 1989 to restrain members of the security forces from intimidating and harassing them. David testified in court that senior officers had ordered Koevoet members to arrest and intimidate people suspected of being SWAPO supporters. Between March and August 1989, Petrus Joseph continued to complain of police harassment, and in early August he was shot dead in his home by police. Police claimed Petrus had threatened them with a pistol, forcing them to shoot in self-defense. The police also said they had found hand grenades in Petrus' home. A formal inquest into the case was convened in Rundu in September, with members of Namibia's Legal Assistance Center acting for the victim's family. The results of the inquest were scheduled to be heard in December, but the accused policemen did not appear in court. The inquest hearing was rescheduled for February 1990. The Legal Assistance Center said the policemen had not been properly subpoenaed.

In mid-August several persons, reportedly white extremists with links to South African extremist groups, launched an attack with guns and incendiary grenades against UNTAG facilities at Outjo; one Namibian security guard was killed. Three men were arrested in September and October and charged with arson and murder in this attack. The three men escaped from police custody December 5 and were still at large at year's end. A policeman shot during the escape died on December 19. In late September, a DTA member was beaten to death by a group of SWAPO supporters in Ovamboland; the DTA claimed that the attack was motivated solely because the person was a member of the DTA. The murder sparked interparty fighting between DTA and SWAPO supporters, leading to the deaths of several SWAPO members. In mid-September a policeman was killed while in hot pursuit of a criminal who sought refuge in the town of Otjiwarongo in northern Namibia. A mob, reportedly of SWAPO supporters, sought to protect the fugitive. The policeman wounded two attackers from the mob before he was overpowered and beaten to death. Also in September, a senior white official of SWAPO, Anton Lubowski, was assassinated in front of his home by unknown gunmen; police arrested a suspect 2 days later, who at year's end was in detention and charged with murder. In each instance of killing the South African authorities convened an inquest. In most of these cases, various perpetrators have been arrested and charged, though none had come to trial by the end of 1989. Local human rights groups expressed dissatisfaction with these proceedings. No security force member has been prosecuted, although a case is still pending for security force members held for the 1986 murder of Immanuel Shifidi at a political rally. Several of the killings did not appear to

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have been directly motivated by politics, but because of the tense atmosphere preceding the elections, every confrontation between the local population and the police took on political overtones.

Former detainees of SWAPO forces who returned to Namibia in July alleged that many detainees had been executed without trials or hearings in the SWAPO prisons in Angola. The detainees produced a list of 74 persons believed to have been killed by SWAPO security personnel. The deaths dated from 1976 to 1988; none was alleged to have occurred in 1989. SWAPO spokesmen said the movement did detain persons whom it identified as spies for South Africa but had released all of them.

b. Disappearance

The former SWAPO detainees released a list of 449 names of persons believed to be still held by SWAPO in prisons in Angola. The former detainees claimed that several hundred others, whose names they did not know, were also being held. SWAPO leaders said they had released all of their detainees. The U.N. Special Representative, who has a mandate under the U.N. Plan to ensure the release of all political prisoners held by both sides, sent a team to Angola and Zambia in September to investigate the fate of those reported to be missing. Subsequently, from a list of 1,100 names, the team accounted for over half of the reported missing and detained. By mid-December the number unaccounted for stood at 256. At that time Namibians were still coming forward to identify themselves as persons on the "missing" list. The UNTAG mission continued to meet regularly in Windhoek (capital of Namibia) to resolve the remaining cases.

Prisoners released by the South Africans in June and July alleged that a number of prisoners had died while in custody or been taken into the bush and killed. Under previous security laws police were not required to notify their superiors or relatives of the detainees of detentions, and detainees could be held in any location desired by the detaining officers. Amnesty International (AI), in its August 1989 report on Namibia, noted that it remains impossible to say exactly how many people disappeared while in South African custody.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Allegations of security force abuses declined in 1989, but the events of April 1 led to a sudden resurgence of charges of brutality by the police and members of the SWATF 101 battalion. Allegations against Koevoet and SWATF surged dramatically following the April 1 SWAPO incursion. There were 400 complaints against SWAPOL elements from April 1 to August 1. Many of these incidents stopped short of armed violence. There were also a number of reports of civilians beaten by members of the security forces, particularly by members of Koevoet, although many acts of violence attributed to Koevoet were committed by active or demobilized members of SWATF. By August 1989 continuing reports of misconduct and harassment, including beatings, of civilians by former Koevoet members reached such a point that the Special Representative, supported by the Security Council, demanded that they be withdrawn from the police force. This was accomplished in October.

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Former SWAPO detainees, on their return to Namibia, stated they had been beaten and tortured by their SWAPO guards while imprisoned. Some claimed they had been tortured because they were intellectuals or better educated than the SWAPO inner circle. Many, including women, displayed extensive scars. Men were commonly beaten on the back, buttocks, and legs; a number said they were hung upside down from trees or roof beams and beaten. Women were burned on their breasts with lighted cigarettes. Several detainees said they knew personally of victims who were beaten or tortured to death. AI also cited, in its report on Namibia, allegations by detainees of torture and deplorable conditions of imprisonment in SWAPO-controlled camps in Angola.

d. Arbitrary Arrest, Detention, or Exile

Although security legislation which permitted detention without trial has been repealed in accordance with the U.N. Plan, and while security forces are now obliged to notify the UNTAG police monitors when they make an arrest, reports and allegations of SWAPOL misconduct continued to be a serious problem into September. SWAPOL was accused of making arrests without warrants, and there were a few cases of incommunicado detention. As the election drew near, political tension between DTA and SWAPO supporters increased which resulted in more reports of SWAPOL misconduct. With DTA and SWAPO confrontations on the rise, SWAPOL's role in handling the confrontations increased and so did reports and allegations of misconduct. SWAPOL also conducted the investigation of allegations against itself, since UNTAG served in a monitoring and not investigatory capacity. While UNTAG police monitors have been unable to prevent all abuses, few of SWAPOL's arrests resulted in formal charges, and most of those arrested were released within a few hours. Relatives of people who are arrested often appeal directly to UNTAG police monitors for assistance. UNTAG monitors cannot overturn arrests, but they can confirm the identities of those arrested, monitor investigations of police behavior, and report abusive behavior or police misconduct.

There were no reports of new detentions by the security forces in 1989. Police must now present the accused before a magistrate within 24 hours and lay a formal charge. The accused has the right to be represented by an attorney, although the police do not always facilitate access. The Government stopped funding in 1989 a legal aid program. On capital offense charges, however, the State still is required to provide and pay for an advocate.

Former detainees of SWAPO claimed that no judicial procedures were observed in connection with their detention. They publicly stated to the press and international organizations that they were often not even informed that they had been arrested. Many claimed they were simply thrown into dungeons; they were not advised of any rights or of the charges against them. None was tried or brought before any hearing; the purpose of the torture cited above, according to some detainees, was to extract confessions and to force the victims to implicate others, who would be arrested and tortured as well. Some of these confessions were allegedly videotaped and shown to senior SWAPO leaders as "evidence" of the detainee's guilt; most were accused of spying for South Africa. Many of the detainees believe that they were the victims of a party purge, singled out because of political differences, tribal affiliation, or because they were "intellectuals."

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is independent of the executive branch (now the AG), and the Supreme Court in Windhoek is widely respected for its integrity. There are only two court levels in Namibia, magistrate and supreme. The Supreme Court is the high court. For appeals, cases are subject to appellate review by the South African Court of Appeals in Bloemfontein. Although Namibia was in transitional status, the State's Attorney could still appeal politically sensitive cases to Bloemfontein, because the SRSG had neither jurisdiction over the legal system nor any relationship with the Namibian courts. Trials are public, and defendants have a right to counsel. There is little criticism of the courts themselves, which administer a Roman-Dutch legal system, whereby cases are heard by a magistrate or a panel of judges. Former criticism of the legal system concerned the widespread use of detention without trial, notably under AG 9 of 1977 or Section 6 of South Africa's Terrorism Act of 1967. Those brought to trial now can expect a fair hearing based on the legal merits of their case, and there is a right of appeal. Defendants are considered innocent until proven guilty.

In March 1989, a full bench of the Supreme Court of Namibia invalidated South African President P.W. Botha's decision in March 1988 to halt the trial of six security force members charged with the murder of Immanuel Shifidi at a political rally in 1986. An appeal to the South African court in Bloemfontein is still pending. Since implementation of the UN Plan, legal rights groups have noted the light sentences that the Supreme Court has given for crimes caused by or related to political motives of political party supporters or members of the police.

The Namibian courts, supreme and magistrate, also have been careful not to involve themselves in cases which might threaten the implementation of the UN Plan. In May, 11 so-called "headmen" (9 from Ovamboland, 1 from Caprivi and 1 from Kaokoland) brought a case against the Special Representative, UNHCR, SWAPO, the Council of Churches, the AG, and the South African Defense Minister. The headmen were trying to stop the refugee repatriation process from Angola until adequate protection could be provided to them and their communities. They argued that the refugees--who the headmen claimed were really ex-PLAN fighters--represented a threat to their safety. The Supreme Court issued an interim order that the AG provide protection for the headmen but later reversed its decision.

Traditional tribal courts continued to operate in the tribal areas. These courts deal mostly with minor criminal offenses, such as petty theft and infractions of traditional customs. Cases are heard by a village or tribal headman or chief, who may receive advice from a traditional council or civil servant. Procedures are informal and vary from tribe to tribe; observers report that the system can work well to resolve minor problems by communal consensus but, because of the lack of review and the strength of traditional authorities in the rural areas, is also subject to abuse.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Security legislation before implementation of the U.N. Plan allowed almost unlimited powers of search and seizure. Invasion of the home was commonplace in the northern areas. Press reports during the April fighting indicated that security forces drove their heavily armored vehicles through the homes of persons suspected of supporting the guerrillas. Allegations of warrantless searches, threats against civilians, and intrusive interrogation to establish the whereabouts and identities of returnees (including PLAN fighters repatriated as refugees) continued to concern UNTAG and other observers until late in the year.

Outside the north, surveillance and monitoring of mail and telephones of political activists appeared to decline. However, legislation pertaining to the gathering of security information, Post Office Act No. 44 and National Security Act No. 19, remained in force throughout 1989 and gave the AG the right to intercept telephone calls and mail without a warrant. There is no evidence that the AG invoked these powers after April 1.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

There were many instances of the use of excessive force and violations of humanitarian law by both South African security forces and SWAPO military units in the course of the 23-year bush war. Over the years, many innocent civilians were killed in the conflict. However, the de facto cease-fire which came into effect in August 1988 led to a lessening of tensions along the border and the reports of violations declined through the rest of 1988 and into 1989.

The events of April 1 led to a resurgence in accusations of serious violations. During the fighting and for many weeks afterward, many reports and allegations surfaced of security forces beating civilians during interrogation in their efforts to locate SWAPO infiltrators.

The fighting itself in April produced lopsided casualty ratios of 10 to 12 SWAPO infiltrators killed for every 1 taken prisoner. Sources who claimed to have examined some of the bodies state that many of the dead appeared to have been shot through the head at close range. Photos of roughly 18 PLAN members taken by a photojournalist from the London-based Sunday Telegraph and shown on the U.S. program "South Africa Now" were examined by a forensic expert from Guys Hospital in London and a U.S. forensic expert. The two claimed that the bodies appeared to have been shot at close range. Local police claimed that their investigations failed to confirm these allegations. The buried bodies were exhumed in July and autopsies performed on each. Most of the forensic facilities and experts were South African. Several inquest hearings were scheduled then postponed. Since the elections no apparent follow-up of the status of the investigation or rescheduling of the inquest have been made.

SWAPO as a guerrilla movement was accused of serious mistreatment of its detainees (See Sections 1.c. and 1.d.). As a political party it, along with the DTA, was responsible for acts of intimidation and violence against voters during the election campaign.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Many laws circumscribing freedom of speech were repealed in 1989 as part of the U.N. Plan. The SRSG ensured that all laws which would prevent free and fair elections were repealed, in particular those relating to political expression. Restrictions on obscenity remained in effect, but the press reported freely on political, security, and economic matters. The daily newspapers, which are generally party organs, were quite vigorous in their criticism of the AG, UNTAG, the U.N. Plan, and each other.

In late September, a Namibian publisher, two newspaper editors and an American journalist, Scott Stanley, were arrested on the "criminal" charge of defaming the O'Linn Commission, a Namibian government commission charged with investigating allegations of election fraud and malpractice. Stanley had interviewed its chairman, Bryan O'Linn, in July and wrote a commentary for his news organization critical of O'Linn. The piece charged that O'Linn was pro-SWAPO and not fit to head the Commission. O'Linn called the allegation contemptuous, and the State brought charges against Stanley and two Namibian newspapers that published the commentary. The trial judge found that Stanley had misquoted and otherwise denigrated O'Linn. On November 21, all defendants were found guilty on some of the counts against them and received fines. Stanley was found guilty on one of two counts and fined the equivalent of \$96.

The South West African Broadcasting Corporation (SWABC) operates under a board appointed by the Administrator-General. SWABC newscasts on radio and television have traditionally been biased in favor of the status quo and against SWAPO, referring to it prior to April 1 as a terrorist organization. Following April 1, 1989, SWABC modified its news policy to permit mention of SWAPO as a political party like the others but continued to be highly biased against SWAPO. Three reports issued at intervals in 1989 by an independent monitoring group, NPP-435, documented instances of SWABC bias. The SRSG insisted that improvement in the broadcast media's performance was essential to creating the conditions for free and fair elections. SWABC's bias did diminish somewhat during the year, but the network's newscasts still had relatively low credibility among many listeners and viewers.

With the repeal of most security legislation related to political offenses, academic freedom is now respected in Namibia. Local scholars are free to publish, travel, speak, and participate in local politics for the first time in many years without fearing loss of employment or prosecution.

b. Freedom of Peaceful Assembly and Association

Namibians generally enjoy the freedoms of peaceful assembly and association. The repeal of pertinent security legislation has resulted in greater freedom of assembly and unprecedented political rallies were held throughout the country.

Political rallies do not require approval, but parties must provide prior notice of meetings under proclamation AG 23 of 1989, and must conform to certain guidelines relating to safety and traffic. In August a SWAPO rally was peacefully

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dispersed for failing to conform with the requirement that the police be notified 3 days in advance; party organizers had in fact notified the local magistrate, as was required under old legislation. In late September, the DTA held a march through Windhoek's black township of Katutura. Although the party had received permission from the AG's office in August to use a loudspeaker truck to do political campaigning, it did not have prior permission to hold a march. The AG's office ruled that the march was illegal under the terms of AG 23.

A SWAPOL commander in the north was accused before the AG's Commission on Intimidation (the O'Linn Commission) of having deliberately staged a police attack on a peaceful assembly of SWAPO supporters in Ovamboland in June. In September police in Windhoek used plastic bullets to disperse a group of striking workers (see Section 6.a.). Students and government workers in northern Namibia staged a walkout in July to protest continued police abuses. The aim of the 1-month long school boycott, involving 160,000 students in 518 schools, was to urge the Government to remove ex-Koevoet members from the police force. A number of spontaneous demonstrations occurred, which led to some minor clashes.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Namibians enjoy the free practice of religion. Almost all Namibians are Christian, with the Evangelical Lutheran Church in Namibia (ELCIN) being the single largest denomination. Roman Catholic, Anglican, Methodist, Dutch Reformed, and the African Methodist Episcopal Churches are also active. There is one Jewish synagogue in Windhoek, and a small community of Muslims.

Church leaders, who consistently condemned the use of violence in the past, also spoke out against the use of violence and intimidation by the political parties and urged reconciliation.

Past travel restrictions against church leaders have been lifted. Foreign church visitors have without exception been granted visas, although some after delay or protest, to travel to Namibia.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Under the terms of the U.N. Plan, all Namibian refugees who fled the country during the conflict were entitled to register with UNHCR for repatriation. More than 42,000 Namibians who wished to return registered, and 42,736 had returned to Namibia by the end of 1989. This included the senior leadership of SWAPO, other exiled politicians, and several thousand PLAN fighters who repatriated as civilian refugees after their units in Angola were disarmed and disbanded. The former SWAPO detainees who returned were also repatriated under UNHCR auspices. Many of the non-SWAPO returnees accused UNHCR and its implementing agency in Namibia, the Council of Churches in Namibia (CCN), of partiality towards SWAPO, of attempting to cover up or ignore SWAPO human rights abuses, and of disregarding the legitimate needs of non-SWAPO returnees. The non-SWAPO political parties also accused UNTAG of failing to seek out vigorously persons detained by SWAPO whose repatriation SWAPO wished to prevent.

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UNHCR's and UNTAG's inability to locate these SWAPO detainees in SWAPO or Angolan custody came under particular criticism. SWAPO and the Angolan authorities either could or would not account fully for those believed to be missing.

The dusk-to-dawn curfew in the northern operational area was lifted in early 1989, then reimposed during the April fighting. It was lifted again in May. During the voter registration process several observers claimed that Namibians living in Walvis Bay and traveling to Swakopmund were subject to delays and harassment at the border. UNTAG intervention with the authorities alleviated the problem.

South Africa, through the Administrator-General, still provided travel documents to Namibians. These, however, were provided routinely to all Namibians not charged with or wanted for a criminal offense. Several senior SWAPO leaders have traveled to and from Namibia on South African passports. If denied a passport, a Namibian could apply to the Minister of Home Affairs in South Africa. However, the Minister did not have to provide a reason for denial, and there was no right of appeal through the courts.

There were no known deportations in 1989. The portions of the South West Africa Regulations Act which permitted deportation of aliens who threatened public order were repealed in June.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

In 1989, for the first time in their history, Namibians of all ethnic groups exercised this right over 5 days, November 7 to 11, electing a Constituent Assembly to draft a constitution for an independent Namibia. Ten registered political parties contested the U.N.-supervised elections. SWAPO won the election, receiving 57 percent of the 670,830 votes cast--a turnout of more than 97 percent of the eligible voters. SWAPO gained 41 seats in the 72-seat Constituent Assembly, a majority, but not the two-thirds majority needed to adopt a constitution within the 1982 guidelines. The DTA, which dominated the Transitional Government since 1985, won 28 percent of the vote and 21 seats in the Assembly. The remaining parties were: United Democratic Front, 4 seats; Action Christian National Party, 3 seats; Namibia National Front, 1 seat; National Patriotic Front, 1 seat; and Federal Convention of Namibia, 1 seat. The SRSB certified the elections as "free and fair," and the competing parties agreed.

All parties cooperated in the initial work of the Constituent Assembly, which, in late December, adopted the Standing Committee's report on the outlines of a Namibian constitution. The report reflected the ideas on which all parties have agreed in principle: a 5-year term executive presidency; a bicameral legislature; protection of fundamental human rights; and national elections based on proportional representation. The Standing Committee was preparing a draft, in consultation with legal experts, which would be presented to the full Assembly in early 1990. The majority party along with others in the Assembly will determine how the government will be formed. The Constituent Assembly will likely transform itself into a national assembly, and no other nationwide elections are scheduled for the near future.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The attitude of the South African Government and the AG has undergone a dramatic change with the implementation of the UN Plan. Many observers from international human rights and humanitarian and religious organizations visited Namibia in 1989 and traveled extensively throughout the country, conducting their own investigations of the independence process, police abuses, and the stories of the SWAPO detainees. Several human rights and information services established full-time offices in Namibia to monitor implementation.

The Namibian Legal Assistance Center (LAC), which operates five offices in Namibia, assisted indigent defendants and has played an important role in political and security cases since its founding in 1988. The Center faced a court challenge from the AG's legal staff in mid-1989, but the Windhoek Supreme Court dismissed the AG's case in August, forcing an out-of-court settlement which fully recognized the right of the LAC to continue its work.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Much of the discrimination based on race built into the structure of the Namibian Government created by South Africa remained in place in 1989. Although the ethnically based second-tier executive and legislative authorities were abolished and their functions transferred to the AG, the separate second-tier civil services and schools were retained. As required by the U.N. Plan, only those laws prejudicial to the holding of free and fair elections were repealed, though many parties and observers demanded the complete abolition of all ethnic classifications, institutions, and authorities. The AG resisted this on the grounds that administrative chaos would ensue and that the complete restructuring of the Government should be left to the country's first independent government.

Pending restructuring, the system of racial classification remained essentially the same as in 1988. Most Namibians carried an identity document under the Identification of Persons Act of 1979. This document identified them as members of one of the following ethnic groups: Ovambo, Whites, Damara, Herero, Kavango, Nama, Colored (mixed race), Kaokovelder, Bushmen, Rehoboth Baster, Caprivian, and Tswana. A large proportion of the taxes collected from a particular ethnic group stayed with that group, resulting in a gross disparity in the distribution of government revenues. The second-tier administration for the country's 80,000 whites had a budget of \$23 million while the authority for the 650,000 Ovambos (from which SWAPO derives its political base) had a budget of \$350,000.

Social facilities were generally open to all races, although private businesses could--and on occasion did--restrict clientele based on race, and a few refused to admit members of UNTAG. The law did not require segregation in housing, but economic factors produced essentially the same effect, with separate townships for blacks and coloreds remaining part of the structure of local municipalities. Some hospitals, such as the state hospital in Windhoek, admitted all patients but

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had separate wings for different races.

Nonracial private schools have operated in the territory for several years; most are affiliated with the churches. The public schools were under the ethnic second-tier structure and were segregated. All of the political parties declared that upon independence public education would be integrated but some, such as the National Party, insisted that different ethnic groups should be allowed to maintain segregated private schools.

Women continue to face discrimination in both the traditional and modern sectors, particularly in regard to financial and legal matters. The coming of independence is not likely to change this situation soon; discrimination is almost as deeply entrenched in the "liberation movement" as it is in the current Government. Under traditional practice, which was still in effect for a majority of the population, a woman is not independent. She is usually a ward of her father until she marries; then she is a ward of her husband. There is still de facto discrimination against women in employment in the modern sector.

Family violence appears to be a deep-rooted and common problem. The courts treated cases of wife beating as assaults, but because of traditional attitudes regarding the subordination of women, most such cases did not get to court. The police do not normally interfere in domestic disputes. Some community groups and government bodies were targeting women in their development programs. Among these were the Council of Churches' Namibian Women's Voice, the Women of Namibia, and the Namibian Women's Organization in Ovamboland.

Section 6 Worker Rights

a. The Right of Association

The legal right to associate in labor unions, long enjoyed by white and colored workers, was extended to blacks only in July 1978. Black union membership has grown markedly over the last 3 years. About 70 percent of all workers in the largest private sector of the economy, mining, are unionized. Union officials in 1989 claimed a membership of 50,000 out of a private sector work force of at least 230,000. The total work force is estimated at 400,000. The country's 20,000 to 30,000 farm workers employed on white-owned farms remain unorganized, and many are subject to a regime of paternalistic authoritarianism that gives them little say regarding their conditions of employment and little access to outside assistance.

Labor issues and politics are closely related; most of the unions with a majority of black workers are sympathetic towards SWAPO, and many union leaders are also SWAPO officials. For example, until his murder Anton Lubowski, SWAPO's sole white senior official, was Secretary of Finance and Administration of the National Union of Namibian Workers (NUNW). Unions are allowed to publicize their views and did so in the November elections.

Namibian workers have and exercise the right to strike. With the approach of independence, politically motivated industrial action abated somewhat, but labor-management relations remain turbulent. Workers often stop work before observing all the required steps for the settlement of disputes which are

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mandated by local labor codes. Employers, in turn, have the right to dismiss legally or illegally striking employees, and in the past have done so with relative impunity. No sanctions are applied against the employer. During a legal strike an employer can try to reach an agreement with workers by means of a conciliatory board composed of management and union members. However, the employer is not compelled to reach a resolution, and in the case of an illegal strike, the employer has the right of lockout. Proclamation R. 101 of 1985, which contained a "bill of fundamental rights" that sought to restrict the advocacy and organization of work stayaways and boycotts, was repealed as part of the settlement process in July.

In 1989 workers continued to strike individual firms over pay and other issues. The firing of a labor organizer from a local brewery resulted in a walkout of sympathetic workers in September. The brewery then dismissed the strikers. When the strikers gathered peacefully outside the brewery, reportedly to get their final paychecks, the police ordered them to disperse and then opened fire with plastic bullets, injuring a number of workers. This excessive use of force led to sympathy strikes against other firms owned by the holding company which owned the brewery; it also produced a boycott against the brewery by local black businessmen.

Namibia has been a member of the International Labor Organization (ILO) since 1978. Trade unions are free to affiliate with international trade union organizations. The ban on the NUNW, a SWAPO-affiliated body which operated from exile in Angola, has been lifted, and it is now operating publicly in Namibia. The NUNW is affiliated with the Organization of African Trade Union Unity and with the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The Namibian Supreme Court recognized the right of collective bargaining without intervention by a government agency in 1985. The Wiehanan Commission created in 1986 to revamp Namibia's outdated labor laws released its comprehensive report in February 1989. A second report was completed in December 1989 and outlines recommendations on changes in labor practices which may be considered by the independent government. The report covers international labor standards, conditions of service, labor relations, employment, training and development, social security, and labor administration and suggests the establishment of a special judicial body to deal with labor disputes. It also establishes a system of industrial courts. None of the commission's recommendations will automatically become policy; it will be up to the new government to draw up strategies and national labor policies.

Namibia in 1989 used a method of resolving labor-management disputes through conciliation boards under the Wage and Industrial Council Ordinance. Under this approach, employees or employers have been able to apply to the South African-appointed Administrator-General (AG) to appoint a conciliation board composed of members of both management and the unions, whose decisions in principle become binding on both sides. The decisions in principle are binding if publicly declared so by the AG on the recommendation of the conciliation board. The board is composed of both management and union members with no independent arbitrator, a fact that can make it difficult to reach agreement. The conciliation

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board operates essentially on the basis of a gentlemen's agreement, because no law evokes sanctions against an employer. If a dispute cannot be resolved by the conciliation board, unions can seek the advice of an independent mediator. Should this option fail, the two parties could turn to an arbitrator whose recommendations would be binding.

General unions, i.e., unions representing workers in more than one industry, are permitted in Namibia. A major issue remains the recognition of unions by individual companies and whether these unions can then be registered with the AG. Unregistered unions can bargain on behalf of their members if they are recognized by management, but they do not have access to conciliation boards. Disputes also have arisen, sometimes on political lines, over which union is entitled to represent the workers at a particular company. New wage concessions and a minimum wage were negotiated in the building industry in 1989.

There are no export processing zones or offshore processing facilities in Namibia.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law. The implementation of the U.N. Plan threw additional light on labor practices in the white farming sector. Reports by 17 former SWAPO fighters who were released from a police-run farm in September indicated that conditions amounting to forced labor existed in 1989. Illiterate and isolated farm workers in some instances received little compensation, were unable to leave the farm without the owner's permission, were forbidden to speak to outsiders, and were, in some cases, subject to physical punishment by their employers. In one court case in September, evidence given by witnesses revealed that workers on one farm were being paid as little as 30 cents a day; the farm workers resorted to poaching game to feed their families.

d. Minimum Age for Employment of Children

The minimum age for employment across the board is 15. Minimum age regulations are generally enforced in the wage sector pursuant to the Employment Act of 1986, Section 12. However, children below the age of 15 often work on family farms and in the informal sector.

e. Acceptable Conditions of Work

There is no statutory minimum wage in Namibia. Several unions adopted a "living wage," i.e., one adequate to provide a worker and his family with basic shelter, food, and clothing, as a theme in 1988 and 1989. However, trade union leaders have not settled on a figure. An unskilled worker in the mining sector earns an average \$275 per month.

Government-mandated occupational health and safety standards are similar to those found in South Africa, but enforcement of these standards outside the formal sector is slack. Improved safety conditions remained a strong union demand in the mining sector, particularly in the wake of an accident in November 1988 which killed seven miners at the Kombat mine near Tsumeb. The inquest proceedings found the company had been negligent and was culpable for the deaths. Namibia also has legislation mandating leave (including maternity leave) and overtime standards. An employer cannot require a female to work in a factory 4 weeks before the expected birth date or 8

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weeks after delivery.

The standard legal workweek is 46 hours under the 1986 Conditions of Employment Act, which also allows for 10 hours of overtime per week, at time and a third. The employee must freely agree to work overtime. Legally, an increase of more than 10 hours of overtime per week has to be approved by the Manpower Commission.

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Niger is ruled by an authoritarian military regime headed by General Ali Saibou, who took power following the death of former President Seyni Kountche in November 1987. In 1989 the military remained firmly in control, but President Saibou promulgated a new Constitution, approved in a September 24, 1989 referendum, which established a secular one-party state and replaced the Supreme Military Council with a joint civilian and military Superior Council of National Orientation as the nation's highest political body. Presidential and legislative elections in December 1989 offered voters only a yes or no choice on the nominees selected by the sole political party, the National Movement of the Development Society (MNSD).

The Nigerien armed forces number about 2,600 members plus 800 gendarmes (paramilitary police). Other security organizations are: the Directorate of State Security, which reports directly to the President; the National Police, which is responsible for maintaining public order and countering antigovernment activity; and a unit for presidential protection.

Niger is one of the world's poorest countries. The economy is based on subsistence farming, livestock raising, and some of the world's largest uranium deposits. However, cycles of drought, desertification, a 3.1 percent population growth rate, and declining world demand for uranium since the early 1980's have had a serious negative impact on the economy. Niger has a mixed economy with a number of government-owned enterprises and diverse private firms. The Government is attempting to reduce the number of these state firms and to encourage a greater role for private business.

Basic human rights continued to be circumscribed in 1989, but there were significant advances, including the advent of a new Constitution and the release of almost all political prisoners. The new Constitution contains extensive guarantees of citizens' rights, including freedom of speech and press, which, if fully implemented, would represent a considerable step forward. However, significant restraints on freedom of speech and press remain.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no reports of such killings in 1989.

b. Disappearance

There were no reports of politically motivated abductions or disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reliable reports of systematic torture of prisoners or detainees in Niger. While occasional abuses by individual law enforcement or prison officers occur, the Government's policy banning physical abuse of prisoners and detainees appears to be applied in most cases. This

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represents a significant improvement from the situation which prevailed prior to 1988. In two incidents in July 1989, law enforcement officers were punished for mistreatment of detainees. A total of five law enforcement officials were convicted and served 3-month jail terms each.

d. Arbitrary Arrest, Detention, or Exile

Article 84 of Niger's new Constitution specifically prohibits arbitrary detention, but its application in practice has yet to be tested. Police do not always need a warrant to arrest a suspect. Once an arrest is made, the law requires that the suspect be either charged or released within 48 hours. This period can be extended for an additional 48 hours by the public prosecutor, who is also the head of the judicial police. In practice, delays beyond those established periods occur, and prisoners often spend months in jail awaiting trial.

Preventive detention is permitted under Nigerien law but must be ordered by an examining magistrate. Suspects are held in preventive detention for the duration of the magistrate's investigation of the case, which in some cases has taken as much as a year. Defendants are allowed access to a lawyer of their own choosing. There is a functioning system of bail for crimes carrying a penalty of less than 10 year's imprisonment. In 1989 President Saibou publicly called on judicial authorities to speed the process of bringing accused persons to trial.

There were no reports of incommunicado detention. Also, there were no reports of arrest, detention, or punishment for expression of views critical of, or different from, those of the Government. As far as is known, there were no political detainees awaiting trial at the end of 1989. Exile is not used as a means of political control in Niger.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Niger's legal system is an amalgam of French, Islamic, and customary law. Civil and criminal cases not involving security-related acts are tried publicly. Defendants have the right to be present at their trials, to confront witnesses, and to present evidence. The new Constitution reaffirmed the judicial principle that the accused are presumed innocent until proven guilty. Defendants have the right to counsel at public expense if they are minors or if they are indigent and face the prospect of a sentence of 10 years or more. Both the defendant and the prosecutor can appeal verdicts, first to the Court of Appeals and then to the highest court, the State Court. Both courts are obliged to hear appeals. The Court of Appeals reviews both questions of fact and questions of law while the State Court limits its review to questions of law. Under the new Constitution, the Supreme Court, once established, will replace the State Court as the highest court and will review the decisions of the Court of Appeals.

The Constitution calls for an independent judiciary but makes the President of the Republic, as Chief of the Executive Branch, the guarantor of this judicial independence. The President has the right of pardon in criminal cases and invoked this right on frequent occasions in recent years. At the village level, matters such as property disputes are frequently resolved by traditional courts.

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In June 1985, the Kountche Government formed a special court to investigate Civil Service corruption. This court meets regularly and now only deals with embezzlement cases involving over \$6,000. Another recent modification allows the accused to be released provisionally upon repayment of the sum embezzled.

Security-related cases are tried in the State Security Court, which operates outside the normal legal framework. This Court, which has no permanent organization, was established by presidential decree in 1974. Its deliberations are held in secret. According to the Ministry of Justice, a military officer presides, but this Court includes civilian magistrates. It affords the defendant the same legal rights as he would receive in a criminal case, with the exception of the right to a public trial. There were no known cases brought before this Court in 1989. Amnesty International, in its 1989 Report, criticized the Court's secrecy in retrying (at government request) and convicting 19 persons (4 in absentia) in 1988 for involvement in an unsuccessful coup attempt in October 1983. The Report concluded that a defendant's right to trial by an independent and impartial court had not been respected.

At the end of 1989, there were no political prisoners in Niger. On December 18, President Saibou released the last two prisoners incarcerated for participation in the 1983 coup attempt against former President Kountche.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The police need a search warrant to enter homes except in cases involving major crimes, when they can enter at any time without a warrant. Search warrants do not permit searches between the hours of 9 p.m. and 6 a.m. There is no forced membership in any political organization, including the one legal political party. Violations of privacy, such as interference with correspondence, are illegal but are known to take place.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The new Nigerien Constitution affirms the citizen's right to freedom of opinion, thought, expression, press, publication, and publicity but does not specifically prohibit government action banning offensive material. President Saibou has said repeatedly in his public speeches that free expression of all viewpoints and political opinions will be allowed within the sole political movement, the MNSD. In practice, there are definite restrictions on freedom of speech and press. Major print and electronic media are government owned and controlled. Limited criticism of certain government officials and some policies is allowed, but attacks on the Chief of State, his major policies, or the legitimacy of the regime are not tolerated. As a practical matter, journalists are familiar with these guidelines, and there were no known cases of journalists being sanctioned in 1989.

There were no reports in 1989 of censored or banned magazines or other publications. Foreign films are subject to censorship by the Ministry of Interior on grounds of public morality and political content.

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b. Freedom of Peaceful Assembly and Association

Niger is a one-party state which does not permit the assembly or establishment of rival political groups. Permits must be obtained from the Ministry of Interior or local police authorities for public gatherings. Permission is routinely granted only to recognized groups, e.g., trade unions and churches. The Government requires the registration of private associations with the Ministry of Interior and grants such registration only to organizations which operate within the framework of the Government's policy. Ethnic or racial associations as well as associations which the Government believes threaten national unity are prohibited.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Niger is a secular state. While the population is over 90 percent Muslim, the Government permits the practice of other religious beliefs. Foreign missionaries can live, work, and travel in Niger but must obtain permission from the Ministry of Interior for all of their operations. Religious groups are allowed to maintain links with fellow believers in other countries. Religious groups may maintain places of worship, train clergy, publish religious material, provide religious education, and participate in charitable activities.

The Government, concerned by the Islamic fundamentalist violence that erupts periodically in nearby northern Nigeria, monitors Muslim religious activity through the Islamic Association. This Association is funded by the Government and assists in an informal screening process of local religious leaders. Islamic services that go beyond strictly religious subjects are not permitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Niger is closely monitored, although there was further relaxation during 1989. Police checks, often entailing thorough searches, take place upon entering or leaving major towns and cities. The former requirement for an exit visa to leave Niger has been abolished. Neither emigration nor repatriation are restricted. By law, married women must have the permission of their husbands to travel abroad.

Niger is a party to the U.N. Convention and Protocol Relating to the Status of Refugees and has cooperated with the U.N. High Commissioner for Refugees in handling the few registered refugees currently in Niger. There was no forced resettlement in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The armed forces, under President Saibou, continue to dominate the State leaving no realistic means for the citizens to change the Government. Niger's new Constitution calls for a one-party state and a strong presidency. Legislative and presidential elections are held every 5 and 7 years respectively. They offer voters only a yes or no option on a slate of candidates selected by the sole legal political body,

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the MNSD, created as part of Niger's return to constitutional government after 15 years of direct military rule.

Other new institutions include the Superior Council of National Orientation (CSON) and a National Executive Bureau (BEN). The President appoints most of the members of both the CSON and the BEN as well as all of the members of the Cabinet. The top three positions in the National Executive Bureau are held by military officers as are a third of the seats on the CSON. President Ali Saibou heads both the CSON and the BEN and appoints all regional governors, who are military officers. Through these new institutions, the former military regime hopes to improve consultation with, and participation by, civilians in government while protecting the political interests of the military and avoiding competition from alternative political organizations.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is cooperative in answering inquiries on the status of political prisoners of interest to international human rights groups. There are no domestic groups which monitor the human rights situation in Niger. Niger is not active in regional and international human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Four major ethnic groups, each with its own language, make up the bulk of the population. The two primarily nomadic groups, Tuaregs and Fulani (Peul), have less access to government services, partly because their transient lifestyles make it difficult for the Government to supply them with services.

By tradition and practice, women occupy a subordinate place in Nigerien society. Males have considerable advantages in terms of education, employment, and property rights. In cases of divorce, custody of all children under 8 years of age is given to the husband.

Conscious of the adverse situation of women, the Government has begun work on a new family code, tried to provide better employment opportunities to women, and supported a national women's association. Women are paid comparable wages to that of men and are active in the business community, although commerce is dominated by men. The first professional associations of women traders, educators, and bankers were formed in 1988. About one-third of Nigerien doctors are women, and many of the nation's magistrates are women. The Government continues to encourage family planning and in 1988 formally legalized the use of contraceptives. Female genital mutilation (circumcision) occurs but is not believed to be widespread. It has not received extensive attention from the Government, but during 1989 government media covered in detail campaigns by the U.N. Children's Fund and the World Health Organization to abolish this practice.

Violence against women and children, including wife beating, occurs, but the extent of the problem of violence is unknown. However, it is considered antisocial behavior in Nigerien society, and women often turn to both traditional and modern judicial authorities in cases of abuse. The new family code

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now under preparation specifically addresses domestic violence and is reported to strengthen existing legal provisions in this area. In 1989 a Ministry of Women's and Social Affairs was created which has a broad mandate to improve the lot of women in society. The Association of Nigerien Women focused on the topic of violence against women at several of its conferences, which received substantial publicity in the government media.

Section 6 Worker Rights

a. The Right of Association

Approximately 90 percent of Niger's work force is employed in the rural, largely subsistence sector. In the small modern economy, workers have the right to establish and join trade unions, which are organized under an umbrella group, the National Union of Nigerien Workers (USTN). The USTN is nominally independent but is partially funded by the Government and is usually responsive to government policies. The USTN has an observer in the MNSD but is not part of the party structure. The head of the USTN is elected by its members. The USTN represents about 30 percent of the approximately 60,000 salaried workers in Niger.

Strikes in Niger are legal if conciliation and mediation procedures have been exhausted. During 1989 there were strikes by bank employees, miners, and airline employees, all of which were resolved by negotiation.

The USTN is a member of the Organization of African Trade Union Unity and abides by its policy of having no formal affiliations outside the African continent.

b. The Right to Organize and Bargain Collectively

Collective bargaining is legally authorized, but the Government is deeply involved in the process. Individual unions are permitted to bargain for more favorable agreements at their work sites. The Government promotes voluntary worker-employer negotiations but does not sit at the bargaining table in private sector negotiations. If these negotiations fail, the Government becomes the arbitrator.

There is a basic framework agreement which has been in force since 1972 between the USTN, employers, and the Government. The agreement covers wages and benefits and is extensively applied to all sectors of the urban wage economy. This agreement protects workers against antiunion discrimination.

Labor legislation is applied uniformly throughout the country, and there are no export processing zones in Niger.

c. Prohibition of Forced or Compulsory Labor

Niger's labor code prohibits forced or compulsory labor, and it is generally not practiced. The last reported instance of forced labor was during the 1985 drought emergency when displaced herders, primarily ethnic Tuaregs and Fulanis, were in some instances required to work on food-growing projects.

d. Minimum Age for Employment of Children

Children between the ages of 12 and 18 may be employed, but there are strict provisions concerning the hours of employment

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and types of employment for children in this age group. All labor provisions, including those concerning child labor, are applied in practice only in urban areas. In the subsistence agricultural sector, which employs most Nigeriens, children work on family plots under conditions which are not in compliance with the provisions of the labor code. Education is by law free and compulsory from age 7. However, only about a quarter of Nigerien children of primary school age actually attend schools, with an even lower proportion attending middle school and high school.

e. Acceptable Conditions of Work

The legal minimum wage for salaried workers is approximately \$66 per month. According to union officials, this wage is not sufficient to provide a decent living for workers and their families. Because of the country's depressed economy, the Government has increased salaries by only 6 percent since 1980, despite the rising cost of living.

The legal workweek is 40 hours. However, according to the labor code, certain occupations requiring irregular hours are authorized longer workweeks, with a maximum of 72 hours. The labor code also provides occupational safety and health regulations which are enforced by the labor inspectors in the Ministry of Civil Service, Labor, and Professional Training. Because of staff shortages, this office focuses mainly on the mining, building, and industrial sectors for safety violations. According to a Ministry official, compliance is often difficult to enforce because of the attitude of the workers who are relatively uneducated and are therefore not fully cognizant of the safety risks posed in their jobs. They often complain and refuse to wear protective clothing because of Niger's hot climate. For the most part, employers have been responsive in providing safety equipment.

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Nigeria is ruled by a military regime headed by President Ibrahim Babangida, who came to power by a military coup in August 1985, overthrowing a previous military regime which in turn had seized power from civilians in December 1983. A 19-member Armed Forces Ruling Council (AFRC) is the country's main decisionmaking organ, while a mixed military/civilian cabinet presides over the Federal Military Government's (FMG) executive functions. Military governors head each of the 21 states, while a minister heads the Federal Capital Territory, Abuja. The 1979 Constitution remains partially in effect, but significant provisions, namely those guaranteeing free elections, political parties, due process, and habeas corpus are suspended. Federal and state legislation, promulgated by decree, is largely exempt from challenge in the courts. The FMG continues to plan a transition to democratic, civilian rule with a prescribed two-party system by 1992 (postponed from 1990).

The Constituent Assembly, consisting of 450 locally elected members and 111 FMG-nominated members, submitted its revisions to the 1979 Constitution to the AFRC in March 1989. The AFRC in May approved the draft constitution, which is influenced by the U.S. Constitution; it remains substantially similar to the 1979 Constitution and is scheduled to become law on October 1, 1992. In October, however, President Babangida abolished newly emerged political associations for failing to meet guidelines for registering national parties. Then in December the AFRC established two national parties, one "slightly to the left" and the other "slightly to the right." It also delayed local and state level elections to allow the new parties to become organized but maintained the October 1992 date for the return to civilian rule.

The FMG enforces its authority through the Federal security apparatus--the military, the State Security Service (SSS), and the national police--and through the courts. Deficiencies in organization, management, and control often lead to ongoing human rights violations: arbitrary arrests, detention without trial, and excessive use of force by law enforcement officers.

Most of Nigeria's 100-million-plus population still lives in rural areas, engaging in small-scale agriculture. Nigeria is dependent upon its oil exports (90 percent of all export revenues in 1988) to pay for needed imports and service its massive foreign debt (\$33 billion at the end of 1988). The decline in world oil prices caused a drop in Nigeria's oil revenues from \$26 billion in 1981 to \$6 billion in 1985. To address the massive contraction of the economy, President Babangida imposed in 1986 a Structural Adjustment Program (SAP), which required radical adjustments to economic policies. These factors taken in combination have led to a substantial decline in the standard of living over the past decade.

Human rights continued to be subject to limitation in 1989. While the Government frequently voiced its commitment to human rights, it took a harder line with its critics following riots in Lagos and other southern cities in May and June. These disturbances, triggered in part by increasing prices, encompassed allegations of corruption against top leaders, including President Babangida, and criticism of the SAP. The security apparatus responded with force, killing at least 22 persons according to official reports, injuring many others,

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and arresting hundreds, many of whom remained imprisoned at the end of 1989. Many universities and several newspapers were closed temporarily, and journalists and activists were detained for alleging corruption of certain high officials and challenging the SAP. In December, however, the Government abolished "wandering" as a criminal offense (akin to vagrancy), which could benefit hundreds of Nigerians held without formal charge. Furthermore, on December 31, 1989, the FMG announced an amnesty of prisoners to alleviate overcrowded prisons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There was no evidence of politically motivated killing at government or private instigation in 1989.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A portion of the 1979 Constitution still in effect outlaws torture and mistreatment of prisoners, and Nigerian law provides penalties for excesses. There was no evidence of the systematic use of torture by Nigerian authorities in 1989, although in April a High Court Judge ruled against the defendant in one police torture case. Moreover, there were persistent, though unsubstantiated, allegations that capital punishment of convicted armed robbers is sometimes carried out in an inhumane way. Other public allegations and evidence of police brutality surfaced periodically in 1989 in connection with the treatment of common criminals and with relation to the Ketu incident (Section 1.g.).

There are also frequent charges of police brutality or arbitrary treatment at police checkpoints. Ostensibly to combat the high crime rate, these checkpoints are set up throughout the country, and police are often accused of demanding bribes or producing false arrests. Human rights activists and other observers claim that police make arbitrary arrests and attempt to extract small bribes during transport to detention facilities. There have also been cases of military personnel harassing citizens or taking the law into their own hands over personal disputes without being disciplined or punished. The Government has spoken out against these practices, but there have been few prosecutions for them.

The press reports that prison conditions remain poor and that the prison system is operating at 200 percent of capacity. Conditions likely worsened from the large influx of new detainees following the riots in May and June. The Government has acknowledged overcrowding and has announced a program to build new prisons, although little construction began in 1989. The combination of overcrowding, disease, and malnutrition in prisons has resulted in a heavy death toll. According to reputable press sources, the Ikoyi prison in Lagos, housing 2,500 though designed for 800, recorded 42 deaths in the first 3 months of 1989 and over 300 deaths in

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1988. Most Nigerian prisons have no toilet facilities and no water in the cells. Press sources report that the Benin prison has one water tap for its 800 prisoners. They are often forced by overcrowding to sleep in shifts, crouched on the cell floor. Prisoners often accuse underpaid prison wardens of stealing food supplies. The insane, the diseased, juveniles, convicts, and suspects are all housed in the same cells.

The existence of a secret government prison on Ita Oka Island was revealed in 1988 by the Nigerian Civil Liberties Organization and was publicized by a leading Lagos newspaper. The Government announced 10 days later that the facility had been closed, but in 1989 there were new allegations that the facility still houses prisoners.

d. Arbitrary Arrest, Detention, or Exile

Cumbersome administrative procedures and bureaucratic inefficiency can result in persons suspected of criminal offenses being held for extended periods without charge or trial. This is so even though provisions of the 1979 Constitution still in force guarantee persons charged with crimes a fair public trial in civilian courts within 3 months of the date of arrest. Criminal justice officials, however, freely admit that the system is so overburdened that the 3-month time limit is rarely met. A report was submitted to the Attorney General in 1989 which included unpublished recommendations for correcting these abuses. In December, however, the Government abolished the criminal offense of "wandering," a hold-over from colonial statutes designed to exclude Nigerians from government-restricted areas. The statute had been misused as a vagrancy law and an excuse for police officers to detain persons without charge. On December 31, 1989, the FMG announced a broad amnesty of convicted prisoners to alleviate greatly overcrowded prison conditions.

Certain high court chief judges continued in 1989 to exercise their right to release detainees who have already spent more time in prison than they would serve if convicted of the crimes of which they are accused. However, human rights activists claim that 60 percent or more of a prison population of 58,000 are awaiting trial--often for many years--for offenses that carry a sentence of 2 years or less.

The Babangida Government has retained the authority to detain without charge persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country, as well as those suspected of being a threat to the Government under Decree 2 of 1984, the State Security (Detention of Persons) Decree. This Decree suspends sections of the 1979 Constitution guaranteeing citizens the right to fair trial, due process, and judicial determination of the legality of detention (habeas corpus). While it imposes no time limit and disallows challenges of the detention in a court of law, the Decree provides for administrative review of such cases every 3 months.

Arrest authority under this Decree was expanded in 1989 and was shared by the Chief of General Staff, the Minister of Internal Affairs, and the Inspector-General of Police. The Government showed a penchant for using Decree 2 arbitrarily to detain persons it considered a threat to "public order"--which critics charged too often meant simple opposition to key

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government policies--for an indefinite period of time. Human rights activists and lawyers groups sharply attacked the Government on the issue of Decree 2 throughout 1989. The Government, through its civilian Minister of Justice, publicly defended the security merits of Decree 2 and claimed that the Babangida regime has invoked it less often than the Buhari regime or other previous military regimes using similar decrees. Human rights observers, however, accused the Government by its stance on Decree 2 of paying only lip service to human rights. They claimed in late August that there were currently about 90 persons detained under Decree 2, 80 of whom were in Lagos prisons.

The most celebrated Decree 2 case of 1989 was that of outspoken government critic and Lagos lawyer, Chief Gani Fawehinmi. Fawehinmi, with several other persons, was arrested soon after the May/June riots, ostensibly for attempting to organize a conference on alternatives to the SAP. Soon after his arrest, Fawehinmi was transferred clandestinely to a prison facility in Borno State. In September, after 3 months of public outcry, Fawehinmi was brought back to Lagos, charged with disrupting the transition to civilian rule, granted bail, and immediately rearrested under Decree 2 and returned to Borno State. In October 1989, however, the FMG released Fawehinmi while awaiting trial. Since he continued to speak out on political issues, there were apparently no restrictions on his freedom of speech, and his passport was restored to him.

In another highly publicized Decree 2 case, the FMG released Alhaji Balarabe Musa, former governor of Kaduna State on October 10 after 155 days of detention for unauthorized political activity. Musa launched the People's Liberation Party in May, even though he is banned from politics until 1992 (see Section 2.b.).

Many detainees are held on grounds other than Decree 2. Human rights activists claim that detainees being held without charge in connection with the May/June riots and as a result of shortcomings in the administration of the criminal justice system still numbered in the hundreds at the end of 1989 and that the families of those still in jail or who have "disappeared" in the system refuse to go public for fear of arrest.

In 1989 the Government continued a process, begun in 1986, of reviewing the cases of persons detained or convicted under various decrees during the previous military administration (1984-1985), many of whom have already been released. In addition, all of those arrested as a result of the 1985 coup which brought Babangida into power have been released, including former Head of State Muhammadu Buhari and his second-in-command, Tunde Idiagbon.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The 1984 Decree modifying the 1979 Constitution left the judiciary relatively intact, but it shifted judicial responsibility for certain specified offenses to special military tribunals established outside the regular judicial system. The latter is composed of both federal and state courts and includes procedures for appeals from courts of first instance to appeal courts at state levels, then to the

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Federal Court of Appeal, and finally to the Federal Supreme Court. Courts of first instance under the 1979 Constitution include magistrate or district courts, customary or area courts, religious or Shari'a courts, and, for some specified cases, the state High Courts. In some instances, the nature of the case determines which court has jurisdiction. In principle, customary and Shari'a courts have jurisdiction only if both the plaintiff and the defendant agree to it, though in practice fear of legal costs, delay, and distance to other alternative courts push a number of litigants into these courts. Under the 1989 draft constitution (which is scheduled to come into force in 1992) Shari'a (Islamic) courts are limited to followers of Islam and effectively confined to the 11 northern states of Nigeria.

Trials in the regular court system are public and respect certain constitutionally guaranteed individual rights. These include a presumption of innocence, the right to be present at a public trial, to confront witnesses and present evidence, and to be represented by legal counsel, if so desired. In capital cases, the Government provides counsel for indigent defendants. In other cases, indigents must rely for counsel on the Nigerian legal aid council, which has limited resources. Assistance is extended under the Legal Aid Act of 1976 to persons with incomes of up to about \$200 (at the current official rate of exchange) per year. There is legal provision for bail, though the Nigerian Bar Association charges that bail is underutilized with the result that many accused persons remain in jail while awaiting trial for petty offenses. Bail is denied to those charged with murder and armed robbery.

The AFRC has weakened the regular court system through decrees promulgated by the previous military government that are still in effect. Under these decrees, the AFRC has transferred jurisdiction over cases involving corruption, currency violations, armed robbery, and a variety of miscellaneous offenses, such as drug trafficking and illegal oil bunkering, from the civilian judicial system to special military tribunals. In these cases, those charged have access to legal assistance, bail (except in the case of armed robbery), and the right to appeal (except in the case of armed robbery and conviction under the civil disturbances decree). In contrast to the previous regime, however, civilian judges now head all special tribunals. Military and police officers sit on these tribunals as coequals with the judge. Sentences by these special tribunals are generally severe. Convictions for armed robbery by the Special Robbery and Firearms Tribunals carry the death sentence and no right of appeal, although the sentence must be confirmed by the state's military governor before it is carried out. Conviction under the Treason and Other Offenses Tribunal (formed in 1986) also carries the death sentence and provides for appeal only to the Joint Chiefs of Staff. The Special Appeal Tribunal began its first hearing in September 1987. Its recommendations cannot be appealed but are subject to AFRC confirmation.

Legal observers have been particularly critical of the mandatory death penalty without right of appeal, especially for convictions for armed robbery where the sums involved are minor and there appear to be irregularities in procedure. Armed robbers have been sentenced to death for stealing sums as small as about \$40. Amnesty International, in its 1989 Report, asserted that these special courts do not meet

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international standards for a fair trial, especially because they do not allow the right of appeal.

Judicial convictions for political offenses (as opposed to detentions) are rare in Nigeria. Some observers claim that there are political prisoners in Nigerian jails, but can give no numbers and often make no distinction between those detainees held without charge and those convicted of political offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nigerian society is generally free of arbitrary interference by the State in the private lives of its citizens. Provisions of the 1979 Constitution still in force provide for rights of privacy in the home, correspondence, and oral electronic communications. While there have been isolated instances of unauthorized forced entry by security elements, the State does not carry out general surveillance of the population. However, in the aftermath of the May/June riots, the wife of the editor of The Republic newspaper was arrested in her home and the dwelling unlawfully searched when security forces failed to locate him for arrest. Human rights observers also alleged that government security forces intimidated potential witnesses after the May/June riots to prevent them from giving details on human rights violations by threatening arbitrary search and arrest. Such allegations, however, were unsubstantiated.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The issue of police brutality was a major focus of the press and human rights activists in the aftermath of the May/June 1989 riots in many parts of Nigeria. Security forces responded with force, killing at least 22 persons nationwide according to official reports. Human rights observers claim the death toll was much higher--over 200 by some estimates.

In one highly publicized incident, police forces allegedly rounded up several hundred persons on the street in Ketu, a Lagos borough, and transported them to the nearby police station where many were forced into a small cell. Up to 50 persons reportedly died from suffocation and being crushed. Despite the widespread publicity, no source could verify these claims. The Government conducted an investigation, placing the station's superintendent on administrative leave. He was later cleared and transferred.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The modified 1979 Constitution continues to provide for freedom of speech and the press, but it also reserves for the federal and state governments the exclusive right to own and operate radio and television stations. There are no restrictions on ownership of print media and Nigeria has a lively press. Among the many Nigerian daily newspapers are seven privately owned national dailies with large circulations, one daily owned by the federal Government, and another in which the federal Government owns a majority share. Many states operate their own daily or weekly newspapers. In some states privately owned dailies compete

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with state papers. Six weekly news magazines vie for national readership.

Broad criticism of the Government is tolerated, and there is open discussion of political, social, and economic issues. However, officials frequently caution journalists, both publicly and privately, on their responsibility and the limits on press activity. Although there are no published guidelines or decrees that limit freedom of speech and the press, most journalists make a well-considered decision in advance of publication before they step over what they sense to be the Government's line. The issues considered most sensitive by the Government are normally associated with naming top government officials in connection with corruption, publication of subjects the Government believes will incite the public to riot or otherwise undermine state security, and subjects which fall under "disrupting the transition to civil rule program." As a result, journalists maintain that self-censorship is common.

In 1989 federal and state governments continued to arrest, interrogate, and detain individuals who made, or were preparing to make, public statements the Government considered threatening. The arrest in June 1989 of Chief Gani Fawehinmi and several others (noted in Section 1.d.) is an example. Also in June, The Republic newspaper editor and 12 staff members were arrested and the newspaper closed to prevent distribution of an issue reportedly containing an expose of the illegal financial transactions of the Chief of General Staff. All copies of the issue were confiscated on the grounds that it included material which was "offensive to the nation." All detainees were subsequently released and the newspaper allowed to resume publication within several days. Other journalists were detained and several newspapers temporarily closed throughout 1989; all have subsequently been released and the affected newspapers have resumed publication.

Academic freedom is generally respected by the Babangida Government. There were no reports of censorship of books or other academic publications in 1989 or of intimidation of university faculty. Some observers allege that the State Security Service maintains an active undercover presence on university campuses and reports directly to the Government on acts or attitudes deemed to threaten state security.

The National Association of Nigerian Students and the Academic Staff Union of Universities remain banned for "radical activities." However, the Government has tolerated formation of new organs of student government on individual campuses. University vice-chancellors are held directly responsible for maintenance of public order on campuses and are given broad authority to close universities. Such closures were commonplace in 1989 in response to a spate of violent student demonstrations over campus conditions. In May and June 1989, the focus of student protests turned to government corruption and the SAP. In response, the Government announced the closure of six southern universities for a full academic year, then later reversed itself, allowing the campuses to reopen on October 31.

b. Freedom of Peaceful Assembly and Association

Nigeria's 1979 Constitution assures all citizens the right to assemble freely and to associate with other persons in political parties, trade unions, or other special interest

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associations. Permits are not normally required for public meetings indoors, unless administrative approval is needed to use a government facility. Permits are required in many areas for outdoor gatherings, but the requirement is routinely ignored by both the authorities and the organizations holding the meeting or rally. In a few isolated incidents in 1989 security forces broke up public meetings for lack of a permit when the Government found the subject matter of the meeting objectionable or threatening--namely criticism of the SAP. In most states, open-air religious services outside a church or a mosque continue to be prohibited.

The provision regarding the right to form and join political parties was suspended by Decree 9 of 1984. The decree-imposed ban on political activity was lifted in May 1989 in the run-up to registration of the two national political parties in October 1989. However, hundreds of present and former government officials and politicians remain banned from running for elective office in the local, state and federal elections scheduled for 1990-1992. Nevertheless, the Government often turns a blind eye to their participation in political events, provided they remain discreet and do not openly challenge the government Decree.

Before the ban was lifted in May 1989, the police broke up several gatherings suspected to be political in nature. Several persons, including former Kaduna State governor Balarabe Musa, were arrested for violating the ban on political activity and held under Decree 2. In Musa's case, the Government also claims that he is a banned politician by virtue of his former office, though no comprehensive list of all banned politicians has been published, and the definition of "banned politicians" is vague. After a prolonged court battle over both accusations against Musa (violation of the ban on political activity and status of a banned politician), the case was dropped, apparently on a technicality, although the FMG continues to maintain that Musa is a banned politician.

Nigerians form and participate in a wide variety of special interest organizations, including religious groups, trade groups, women's organizations, and professional associations. Organizations are not required to register with the Government and are generally permitted free association with other national and international bodies. Following the March 1987 religious disturbances, however, the Government required that religious groups be sanctioned by either the Christian Association of Nigeria or the Supreme Council for Islamic Affairs.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Nigeria's 1979 Constitution prohibits the federal and state governments from adopting any state religion. This is adhered to in practice, though some Christians have maintained in the past that Islam or northern origin have provided a political advantage. Constitutional provisions guaranteeing freedom of religious belief, religious practice, and religious education are generally respected. Reports are common that various ethnic groups (including local and state officials belonging to that group) discriminate against minorities (both ethnic and religious). Such actions often take the form of employment discrimination and bureaucratic obstacles to church

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or mosque construction that delay projects, sometimes indefinitely. There are no restrictions on the numbers of clergy trained nor on contacts with coreligionists in other countries. Religious travel, including the hajj, is permitted and is even subsidized by the Federal Government. Publications in Arabic and the teaching of Arabic are freely allowed, even in predominantly Christian areas. Missionaries and foreign clergy, though limited by quotas, are permitted to work in Nigeria. The Government places no obstacles in the way of Nigerian missionaries working in other countries.

Tensions between the Muslim and Christian communities remain high in some parts of Nigeria. Though scattered incidents continue to be reported, religious violence on the scale of the rioting which took place in the northern state of Kaduna in 1987 has not been repeated. In the aftermath of those disturbances, the Government instituted a ban, still in effect, on all religious organizations on postprimary campuses, while reaffirming the right of individual students to practice their religion in recognized places of worship. Several state governments temporarily banned religious preaching and playing of religious cassettes outside places of worship, without the written permission of police. Publication of advertisements paid for by religious organizations remains banned, although the ban is not strictly enforced as such advertisements occasionally appear in the press. Religious programming on radio and television, both controlled by the FMG, remains limited in some areas. The 1982 ban on the Maitatsine Muslim sect, the source of bloody disturbances in 1982 and 1983, also remains in effect. The group still exists but is closely monitored by the police.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Nigeria's Constitution entitles citizens to move freely throughout Nigeria and to reside where they wish. The same provision prohibits expulsion from Nigeria or the denial of entry to or exit from Nigeria to any citizen. In general, these provisions have been observed. Following the elections in December 1987 and March 1988, chairmen of local government areas were ordered in June 1988 to inform their respective state governors of travel outside of their areas. Traditional rulers are also obligated to inform local government chairmen of their travel. Nigerians travel abroad in large numbers, and many thousands are studying abroad. Exit visas are not required. But passports of editors and reporters have been seized to prevent them from traveling after their publications have printed stories offensive to the Government. Also, under Nigerian law, wives--including expatriate wives--must have the permission of husbands to take children out of the country. Security officials in the past have prevented wives from leaving the country with children, but there were no reports of such interference in 1989. Citizens who leave Nigeria have the right to return. Citizenship cannot be revoked for any reason, including political reasons. No known penalties have been levied on Nigerians who have emigrated, settled abroad, or acquired another nationality. However, Nigeria does not recognize dual nationality, and naturalization in another country does not exempt Nigerians from Nigerian laws.

Nigerians are free to change their place of work within Nigeria, but local laws and custom sometimes disadvantage citizens not indigenous to the area. For example, access to limited places in elementary and secondary schools is more

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difficult for children of residents of other areas who must also pay higher school fees than the children of local residents. There has been no forced resettlement of Nigerian citizens.

Nigerian law and practice permit temporary refuge and asylum in Nigeria for political refugees from other countries. Nigeria supports and cooperates with the Lagos office of the United Nations High Commissioner for Refugees (UNHCR). Repatriation of refugees is normally conducted in accordance with UNHCR standards. In 1989 several hundred Chadian refugees were repatriated at their request. No refugees were expelled in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The 19-member AFRC headed by President Babangida is the highest political authority in Nigeria. There is no elected legislative body. In 1989 citizens did not have the right to change their national or state governments through the electoral process.

President Babangida has repeatedly stated that 1992 is the date for returning Nigeria to complete civilian rule. An appointed civilian Constitutional Review Commission completed its work in early 1988 and in April presented a draft constitution to the AFRC. In June 1988, the Constituent Assembly, made up of representatives elected by Local Government Areas (basic government units) and including representatives of special groups (labor, women, religious leaders) appointed by the Government, began the process of refining and ratifying the Constitution in Abuja. The Constituent Assembly presented its recommendations and a revised draft to the Government in March 1989. Following AFRC approval of the new draft constitution, the FMG lifted the ban on political activity in May 1989 to allow political groups to form and compete for registration of two national political parties. Thirteen political associations emerged to compete for party registration.

In August 1989, the FMG by decree removed from office all elected chairmen of Local Government Areas to prepare for the new local government elections originally scheduled for December 1989. This decree established that during the period of transition to civilian rule, the Federal Military Government may suspend elected officials without reference to the judicial system.

In October 1989, the National Electoral Commission (NEC) reported to the AFRC that the emerging political structure was riddled with irregularities and that none of the 13 political associations met the guidelines for party registration. The NEC concluded that the party registration competition had failed to meet its objective of transforming Nigeria's political culture by creating a "new breed" of politicians free from control of the "moneybags" and regional, ethnic, and religious bias. On October 7, President Babangida abolished all 13 political associations and announced that the FMG would create two new political parties: one "slightly to the left" and one "slightly to the right." In December 1989, the FMG enacted a decree establishing the new political parties and signaling its intention to maintain strict control over the transition process. Another December decree upheld completion of the transition by October 1992 but altered its timetable by

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allowing the two new parties to coalesce and identify candidates during the first 9 months of 1990, postponing local elections from December 1989 until the last quarter of 1990 and delaying gubernatorial and state legislative elections from 1990 until the fourth quarter of 1991.

Thousands of former Nigerian government officials, both civilian and military, are prohibited from participating fully in the transition process, although they remain eligible to vote. In September 1987, the Government significantly extended a ban announced in 1986 on partisan political activity for a large number of former politicians from the last civilian regime (1979-83) to include many political figures from the first civilian republic (1960-66) and past and present high-ranking military leaders. These persons, including President Babangida himself, will be barred from contesting any election until after the transition is completed in 1992. Also, former politicians who were officers of the previous parties will be forbidden to hold office in any political party or to run for elected office until that time. Furthermore, any person convicted or removed from office for various misdeeds at any time since 1960 will be banned for life from contesting elections or holding any political party office.

Along with the July 1987 announcement of the political transition program, the Government promulgated Decree 19 of 1987, which makes persons who might in any way forestall or prejudice the transition program liable to a prison term of up to 5 years. The Special Tribunal authorized to try offenses under Decree 19 was formed in October 1987. Its decisions may be appealed to the Special Appeal Tribunal.

The composition of the AFRC and Cabinet reflects greater ethnic and religious diversity than any government in the recent past.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

As far as is known, there were no visits or requests for investigations of alleged human rights violations in Nigeria during 1989 by any international human rights group. The Babangida Government repeatedly renewed its pledge to uphold basic human rights and to tolerate criticism from local human rights advocates in 1989. The Human Rights Committee of the Nigerian Bar Association monitors the domestic human rights situation and characteristically speaks out against human rights abuses. At least four major local groups are active in human rights matters: the Committee for the Defense of Human Rights, led by a prominent Lagos physician; the Nigerian Council for Human Rights, chaired by a leading Senior Advocate of Nigeria (SAN); Human Rights Africa, led by a prominent Lagos lawyer and President of the Nigerian Trial Lawyers Association; and the Civil Liberties Organization (CLO), led by several Lagos attorneys and a prominent journalist. Nobel laureate Wole Soyinka also frequently speaks out on human rights issues. The Nigerian Bar Association, Soyinka, and leaders of all four human rights groups all made strong public statements criticizing the Government's continued use of Decree 2 and other forms of detention without charge. A former president of the Nigerian Bar Association, who also served as the chairman of its Human Rights Committee, continues to hold the post of Attorney General and Minister of

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Justice. He has been severely criticized by human rights activists for his defense of Decree 2.

While most human rights monitors were relatively free from government interference in 1989, four officers of CLO were briefly questioned by police in January 1989 about a CLO report on the status of human rights in Nigeria, but no action was taken against them. The CLO continues to investigate prison conditions and monitors developments at the Ita Oke Island detention center, in addition to speaking out against Decree 2. Nigeria is a member of the U.N. Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion,
Language, or Social Status

There is no official policy of discrimination against any of Nigeria's 250 ethnic groups, and laws do not overtly favor one group over another. The Government generally makes a conscious effort to strike a balance among different groups in its decisionmaking and in appointments to key government positions, and ethnic and regional hiring quotas are observed in most public sector employment. However, Nigeria has a long history of tension among its diverse ethnic groups, and tradition continues to impose considerable pressure on individual government officials to favor their own ethnic or religious group. Religious and ethnic favoritism or harassment persist and are widely perceived to persist. Persons not indigenous to their state of residence frequently experience difficulty in jobseeking, school enrollment, and other areas.

Women have always had economic power and have exerted influence in Nigerian society through women's councils or through their family connections. As primary school enrollment increases, women are gaining greater access to education. There has been a dramatic increase in the number of women who have university degrees and who have become professionals, including teachers, lawyers, doctors, judges, senior government officials, media figures, and business executives. Despite a degree of economic independence, women suffer discrimination in employment and other areas, and experience social prejudice. The pattern of discrimination against women varies according to the ethnic and religious diversity of Nigeria's vast population. In some states, husbands can prevent their wives from obtaining employment or passports. In many states, a widow cannot inherit her husband's property, which in the absence of children usually reverts to the husband's family. Women do not receive equal pay for equal work, and male professionals receive fringe benefits not extended to their female counterparts.

While violence against women, especially wife beating, exists, there are no statistical data to help determine the extent of the problem. Police do not normally intervene in domestic disputes. Reports of wife beating tend to come from rural areas, where women are generally uneducated and the use of the legal system to protect themselves is a foreign concept and unlikely to be used because of pressure from traditional authorities. The Government has neither actively addressed nor sanctioned this practice, which is subject to the provisions of criminal law if brought to the courts. There is no reason to believe that the legal system would not intervene to protect women from wife abuse if a husband were formally accused. In the case of female circumcision, the Government

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publicly opposes this practice, which reportedly affects about 50 percent of the female population. The most dangerous form, infibulation, is practiced in some areas. However, because of the deep cultural roots of this practice, the Government has relied primarily on education through women's and public health organizations to help induce change in attitudes, rather than trying to criminalize the practice. The Government also opposes the selling of young girls for marriage by poor rural families, again primarily through education.

Section 6 Worker Rights

a. The Right of Association

Nigerian workers may join trade unions, with the exception of members of the armed forces and employees of government services designated essential by the FMG. Employers are obliged by law to recognize trade unions and must pay a dues checkoff for employees who are members of a registered trade union. In 1981 organized labor claimed 3 million members out of a total work force of 30 million. Since then, the available work force has increased as the population has grown, while trade union membership has probably declined due to low economic growth.

While the trade union movement has had, within limits, considerable latitude for action, it is subject to government oversight, which has increased during the past 2 years. Despite provisions in the 1979 Constitution and Nigeria's ratification of 28 International Labor Organization (ILO) conventions, government decrees and policy continue to restrict labor freedoms. A 1978 decree established a single central labor body, the Nigeria Labour Congress (NLC), created 42 industrial unions through forced mergers and deregistered all other unions. Since then the Government has publicly announced its intention to merge the present 42 unions into 19. The Government has not acted upon an ILO Committee of Experts' finding, first enunciated in 1979 and subsequently repeated, that this 1978 decree violates ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, to which Nigeria is a party. Nor has the Government accepted the Committee of Experts' recommendation that the decree be amended.

In December 1988, elections were held for NLC national and state councils to replace the councils which had been dissolved by the Government earlier in the year. The Government permitted only a single slate of candidates acceptable to the Government, comprised of members of the two major NLC factions, to run in the national council election. The other candidates who attempted to run were disqualified.

The right to strike is recognized by law, except in the case of essential services as defined by the Government. Work stoppages, strikes, and protests during 1989 were relatively few and focused primarily upon pay issues. In February railway workers went on strike, for the second time in 3 months, to collect back wages and allowances owed them; the strike ended when the railway authorities paid the arrears. At about the same time eight civil service unions threatened mass rallies to support their demand for restoration of fringe benefits which had been canceled or reduced by the 1989 budget. The Government responded by making funds available to restore the benefits.

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Since 1975, government policy has permitted international labor affiliation only with the Organization of African Trade Union Unity and affiliated Pan-African labor federations. Government policy does permit, however, informal "fraternal relations" with foreign unions and international trade secretariats as long as there is no formal affiliation.

Eleven senior employees of the National Electric Power Authority remain in prison, their life sentences reduced to 10 years, for conspiracy in connection with the October 1988 disruption of the national electrical power grid. For a number of years the ILO Committee of Experts has urged the Government to amend its legislation to cover various categories of workers excluded from protection against acts of antiunion discrimination.

Labor unions did not participate in the May 1989 protests and riots against the Government's Structural Adjustment Program.

b. The Right to Organize and Bargain Collectively

The labor laws of Nigeria permit both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining is, in fact, common in many sectors of the economy. Nigerian law further protects workers against retaliation by employers for labor activity through an independent arm of the judiciary, the Nigerian Industrial Court.

The FMG, however, retains broad authority over labor matters. In many areas of contention, the unions often take their demands directly to FMG authorities rather than to the employers. At the same time, the FMG can intervene forcefully to end debate on issues which it feels contravene the Government's essential political or economic programs. (The dispersal of the labor-organized conference on alternatives to the SAP, which led to the arrest of Gani Fawehinmi--Section 1.d., is a case in point.) Moreover, decisions which have a major impact on labor are often taken unilaterally. NLC President Bafyau complained, for example, that his organization was excluded from the formulation of the 1989 budget, which, in effect, mandated continued austerity for most workers and included a variety of cost cutting measures of concern to the unions.

There are no export processing zones in Nigeria.

c. Prohibition of Forced or Compulsory Labor

Nigeria's 1979 Constitution prohibits forced or compulsory labor, and this prohibition is generally observed. The Government does operate a National Youth Service Corps under which all youths or young adults who have completed college or university training and are under the age of 30 must complete 1 year of work in jobs ranging from agriculture to office work and teaching. The Government also has an environmental clean-up campaign in which all citizens are required to spend the morning of the final Saturday of each month tidying their house, yard, and neighborhood and to refrain from moving about during this period. Both programs enjoy widespread public support.

The ILO Committee of Experts has noted that various provisions of the Labor Decree of 1974, the Merchant Shipping Act, and the Trade Disputes Decree of 1976 impose sanctions that

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obligate work for breaches of labor discipline or for taking part in a strike. The Committee has urged the Government to adopt the necessary measures to bring these laws into compliance with ILO Convention 105 on Forced Labor to which Nigeria is a party.

d. Minimum Age of Employment of Children

Nigeria's 1974 Labor Decree prohibits employment of children under 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The Labor Decree does allow the apprenticeship of youths aged 13 to 15, but only under specific conditions. Apprenticeship exists in a wide range of crafts, trades and state enterprises. With respect to apprentices over the age of 15, their activity is not specifically regulated by the Government. These laws are enforced only sporadically, particularly in the rural areas where most Nigerians live.

e. Acceptable Conditions of Work

Nigeria's 1974 Labor Decree also established a 40-hour workweek, prescribed 2 to 4 weeks of annual leave, and set a minimum wage for commerce and industry of about \$17 per month at the current official rate of exchange but at the time of enactment worth nearly \$200 per month. This wage is now sufficient only for the most minimal standard of living in the cities, and the Nigeria Labour Congress has called on the Government to increase it. The 1974 Decree contains general health and safety provisions, some aimed specifically at young and female workers, enforceable by the Ministry of Employment, Labour, and Productivity. Employers must compensate injured workers and dependent survivors of those killed in industrial accidents. The ineffectiveness of the Ministry in enforcing these laws in the workplace is regularly criticized by labor unions.

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Rwanda is a one-party state which has been ruled by Major General Juvenal Habyarimana since his accession to power in a nonviolent coup in 1973. Founder of the single party, the National Revolutionary Movement for Development (MRND), Habyarimana was reelected for another 5-year term as President in December 1988 by nearly 99 percent of the electorate. The President sets government policy after consultation with the Council of Ministers. The National Development Council (the legislature), established in 1982, votes on and adopts laws but is not independent from the MRND. Legislative candidates must be approved by the party, which normally approves two candidates per seat.

The major organizations responsible for administration of justice include the Ministry of Justice, which organizes and administers the prison system, the judicial police, which is composed of employees of several ministries who are responsible for apprehending criminals, collecting evidence, and maintaining case records, and the gendarmerie, a special branch of the Rwandan armed forces. In addition, the Central Intelligence Service in the office of the President can make certain decisions, such as denial of passports to Rwandan citizens or the extension of visas and residence permits to foreigners. These decisions may be appealed directly to the President.

The overwhelming majority of Rwandans are poor subsistence farmers. There is little industry, and imports are expensive because of the high cost of transport to this landlocked country. Food production has managed to keep pace with the high population growth rate. Rwanda's economy depends heavily on foreign aid and on exports of coffee and tea. The Government has a liberal policy toward trade and investment.

Although human rights continued to be restricted in 1989, some progress was made: the Government held a national conference of magistrates and judges to discuss improving the administration of justice; and organized an international conference on the observance of human rights in Africa. President Habyarimana released nearly 25 percent of the 13,000 prisoners in Rwandan jails, reduced many sentences, and changed all death sentences to life imprisonment. Prisoners guilty of crimes against national security, corruption, or multiple offenses were not included. In 1989 there remained several major human rights concerns, including the use of long-term detention in political and security cases without charge or trial and restrictions on the freedoms of religion, speech, association, and the right of citizens to change their government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There was no evidence of politically motivated killing at government instigation in 1989. In May 1988, an army sergeant accused of the murder of a prominent colonel reportedly died during interrogation by military and security authorities. Subsequently, three officers were arrested in connection with the case. These officers remained in prison at the end of 1989 awaiting the outcome of an ongoing judicial inquest.

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b. Disappearance

There were no unexplained disappearances in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or other cruel, inhuman treatment in 1989. Prison conditions continued to improve in 1989 as part of a major reform program instituted by the former Minister of Justice.

d. Arbitrary Arrest, Detention, or Exile

Except for suspects caught in the act of committing crimes, arrests are normally made with a warrant following an investigation. Persons may be detained for no more than 48 hours without a warrant. There were no known exceptions in 1989 to the legally mandated warrant procedures. In most cases, charges must be stated formally in the defendant's presence within 5 days of arrest. Failure to meet this requirement constitutes grounds for dismissal of the charges. In practice criminal offenders arrested by judicial authorities are not imprisoned without arrest warrants and formal arraignment. Persons arrested by Rwandan security forces for political crimes may in fact be detained indefinitely without being formally charged (see Section 1 e.).

Under broad preventive detention provisions, persons may be held for 30 days if public safety is believed to be threatened, if the accused might flee, or if the penalty carries a minimum sentence of 6 months. At the end of that period, judicial review is mandatory. Detention may be prolonged indefinitely for 30-day periods. Persons charged with serious crimes often wait 6 months before trial. Detainees may appeal their incarceration, and the appeal must be heard within 24 hours by a competent judicial authority. Ministry of Justice personnel conduct daily official visits to prisons to assure that proper documentation exists for each detainee. These officials can order detainees released if arrest conditions do not conform to the law.

Rwandan security forces occasionally employ arbitrary arrest and detention on political or security grounds. Most detentions are short-term, often for less than 24 hours. In January 1988, two associates of a Rwandan exile who had been implicated in a 1980 coup attempt were arrested and held without charge or judicial review. They remained in prison without charge in 1989. The security authorities arrested in May another Rwandan accused of involvement in the 1980 coup attempt and held him throughout the year pending completion of an investigation.

Exile is not practiced. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Rwanda has three separate court systems for criminal/civil, military, and state security cases. All but security cases ultimately may be appealed to the Court of Appeals. Convicted criminals must file an appeal within 3 months of the date of judgment. The State Security Court has jurisdiction over national security charges such as treason. Decisions of this

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Court may not be appealed before the Court of Appeals. If procedural violations are alleged in security cases, these may be brought before the Court of Cassation. If the Court of Cassation finds that procedural violations occurred, the case is sent back to the State Security Court and tried by a different panel of judges.

The judiciary is statutorily independent and expected to apply the penal code impartially, but in practice the Government exercises influence in political and security cases. The President appoints and dismisses magistrates. Laws passed in 1982 strengthened the independence of the judiciary by improving the process of selecting judicial personnel and more closely defining their functions. The administration of justice has been hampered by poor management and a generally low level of education among civil servants. The Ministry of Justice conducts training programs for officials and judges and plans to establish a magistrate training center. In 1989 approximately 70 of the top judges and prosecutors attended a magistrates' workshop organized by the Ministry of Justice.

All defendants are constitutionally entitled to counsel, but because of a shortage of lawyers (there are only about 20 private lawyers in Rwanda, most of whom work in Kigali), defendants normally are not represented at trial. Family and other nonprofessional advisors are permitted. Trials are public, and those which arouse extensive public interest are often broadcast to the street to permit persons who cannot be seated in the courtroom to follow the proceedings. Persons charged with minor crimes usually are released on their own recognizance pending trial.

Bail is not available in Rwandan law. The majority of Rwandans awaiting trial or sentencing enjoy "liberte provisoire," or provisional release, which is routinely granted provided that the defendant is not likely to flee justice, has a fixed residence, and is not likely to harm or be harmed by the public. A Rwandan awaiting trial or sentencing in prison may petition the court for provisional release. In the Kigali court district, approximately 85 percent of all prisoners awaiting trial or sentencing receive provisional release.

At the end of 1989, Rwanda was holding three political prisoners who allegedly are close to an exiled minister implicated in a 1980 coup attempt. Dr Aloys Sebiziga, a medical doctor, has been detained in Kigali prison since May 1989 for allegedly supplying medicines and funds to Col. Alexis Kanyarengwe, a former Minister of the Interior, who is currently in self-imposed exile in Tanzania. Dr. Sebiziga has not been formally charged with any crimes, nor has a date been set for trial. In addition to Sebiziga, Callixte Sinaruhamagaye and Claude Bahitansi, the brother and a close friend of the former Minister, have been detained in Kigali prison without charges since January 1988.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although Rwandan law forbids arbitrary searches, Rwandans are subject to occasional interference in their private lives. Police normally are required to have warrants before entering a private residence, but, using the pretext of checking required documentation, authorities in practice gain entry into homes without warrants. There is no evidence that the

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Government monitors private correspondence, and the receipt of foreign publications is permitted.

All Rwandans are required to be members of the MRND and to pay party dues.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law theoretically guarantees freedom of speech and press, but these statutory assurances are not observed. Open criticism of government policies and officials is rare, although in 1989 published criticism of state-managed industries was not uncommon. Candidates in the 1988 legislative elections were restricted to expressing opinions and advocating policies consistent with party doctrine. Members of the National Development Council in the past have criticized government policies from the floor of the Council.

The Government controls radio broadcasting (the most important medium in reaching the public since there is no functioning television system in Rwanda) and produces a daily press bulletin and a weekly newspaper. Two Catholic church publications sometimes print muted criticism of political and economic conditions. Such criticism is tolerated and occasionally even encouraged by the Government. There is no record of any journalist having been arrested for what he has written. The Government has cautioned the press to avoid what it regards as "harmful" criticism of leaders. It maintains that the press should devote its efforts to "promoting development." Books and imported publications are not censored. Academic freedom is limited, but there were no known incidents in 1989 involving restrictions on academic freedom of inquiry and research at the university.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is limited. No public meetings or demonstrations are permitted if there is any chance they will result in expressions of overt opposition to government policies. The Government permits private associations, but it requires that they be registered officially and accorded legal recognition.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution, but the Government continues to discriminate against, and local officials harass, several small groups, including the Jehovah's Witnesses. The Government denied the Witnesses' request for legal recognition in October 1988 on the grounds that they constitute a threat to law and order and disturb the peace. Government officials have said that the Witnesses' right to practice their religion will not be otherwise impeded (see Section 5).

Foreign clergy are able to practice their religion and organize missionary activities. Worship is freely permitted, and Christian churches are numerous. There are several mosques in the capital and elsewhere; Muslims are permitted to practice their religion throughout the republic.

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The population is 70 percent Christian and approximately four percent Muslim, with the remainder following traditional African or no religious practices. Probably 80 percent of the Christians are Roman Catholic, but Protestant denominations are active. The Government depends upon church-sponsored schools for a considerable portion of education in Rwanda (over 85 percent of secondary schools are church-sponsored).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement and residence within Rwanda is restricted by laws and regulations which require all residents to hold national identity cards and residence and work permits. People who wish to spend more than 3 days in a township other than their own must obtain permission from the authorities of the area they will be visiting. Police conduct periodic checks, especially in urban areas, and return all those not registered in the locality to their own township. Property owners who do not require tenants to show valid documentation are subject to fines and even imprisonment. Undocumented tenants are subject to expulsion.

A major deterrent to foreign travel was eliminated in 1987, when the Government abolished the requirement for posting substantial deposits (as much as \$600) with passport applications. Citizens now need only pay a \$20 nonrefundable fee for a passport, but they still must apply for and receive an exit visa before undertaking foreign travel. The exit visa process involves a security check conducted by the Central Intelligence Service. Unexplained refusals appear to be less frequent than in the past. Properly documented Rwandans may emigrate.

There are an estimated 225,000 Rwandan refugees in neighboring countries. Most are ethnic Tutsis who fled Rwanda during the revolution of 1959 and subsequent ethnic violence associated with independence in 1962. Official policy permits these people to be repatriated on a case by case basis if the refugee does not represent a security risk, and if land is available in Rwanda. The lack of land in this tiny and heavily populated country effectively precludes any significant repatriation. The Government's stated view is that demographic pressures and strained economic resources preclude any large-scale return of these refugees. It has encouraged countries hosting the refugees to naturalize them; this has not been well received by Rwanda's neighbors. Despite these difficulties, in 1989 approximately 50 refugees returned to Rwanda from Burundi, although many more reportedly returned outside official channels.

Rwanda hosts 19,000 Burundi refugees (mainly Hutu) who fled the 1972 massacres. In mid-1988, 47,000 Burundi nationals fleeing ethnic violence again sought refuge in Rwanda. The Rwandan Government refused to accord official refugee status to this latest group but did grant temporary asylum. Rwanda has received widespread praise for its efforts to meet the temporary humanitarian needs of these refugees. Most of them returned voluntarily to Burundi by the end of 1988 as the result of a procedure negotiated by a quadripartite group composed of Rwanda, Burundi, Zaire, and the United Nations High Commissioner for Refugees. In late 1989, there were approximately 1,200 Burundi refugees remaining in Rwanda. Nine hundred were from the August 1988 influx, and about 300 arrived from the same area of Burundi in October 1989, apparently as a result of an isolated incident.

RWANDA**Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Rwandans have no opportunity to change their government through democratic means. The MRND, the sole body permitted political activity, makes all policy decisions and nominates all candidates for public office. It, in turn, is dominated by the President who also holds the position of president of the MRND. He chooses the Central Committee members and is the only constitutionally recognized candidate for President. Every citizen is automatically a party member and is required to pay party dues representing 2 days' pay per year. Delegates are both elected and appointed to the Party's governing national congress, which meets every 2 years. The essential function of the congress is to endorse the programs presented by the party leadership. The 1988 congress rejected calls for the election of local party officials by secret ballot rather than the raising of hands.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Rwanda cooperates with visiting delegations from such human rights groups as Amnesty International (AI) and the International Committee of the Red Cross. U.S. Embassy officials visited Kigali prison to inspect conditions and interview political prisoners on several occasions in 1989. There were no reports of requests for outside investigations of alleged human rights violations in 1989. The Ministry of Justice hosted an international conference on human rights in March which was attended by representatives from all neighboring countries as well as representatives from the United Nations, the Organization of African Unity, and AI. The conference focused on the observance of human rights in central Africa.

There are no local organizations monitoring and reporting on human rights practices in Rwanda.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In 1959 the majority Hutu ethnic group (89 percent of the population, according to the 1978 census) overthrew the Tutsi monarchy. In 1962 Belgium granted internal autonomy and then independence to a Hutu-led government which overwhelmingly won a U.N.-supervised election. These developments marked the end of the traditional, feudal society in which the Hutu had lived in subjugation under the Tutsi for centuries, and the beginning of a more modern society that places greater emphasis on individual rights.

The Constitution states that "all citizens are equal before the law, without any discrimination, notably that of race, color, origin, ethnicity, clan, sex, opinion, religion, or social position." The legal requirement that ethnic origin be listed on identity documents serves to ensure that informal quotas corresponding to the Hutu/Tutsi ratio in society are not exceeded. This system tends to limit the access of Tutsis to education and important positions in the Government and military. Private business is the only aspect of society in which the Tutsis wield any significant influence.

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The Government actively prosecuted Jehovah's Witnesses in Rwanda from 1984 to 1986. In 1986, 296 Witnesses had been convicted of penal code violations including disrespecting the national flag, and 400 Witnesses were being held in custody pending trial. Under growing international pressure, the Government reversed its position on Witnesses in 1988, released all Witnesses held in prison, and ended its legal campaign against them. Since then, the Minister of Justice has held meetings with local officials to sensitize them to the Government's policy regarding Jehovah's Witnesses. Jehovah's Witnesses occasionally are arrested by local officials acting in ignorance of government policy, but they are normally released immediately when their cases are brought to the attention of the general prosecutor in Kigali, who has jurisdiction over all such cases. Despite this revised policy, there was renewed harassment of Witnesses in 1989 and incidents based on religious discrimination; one businessman lost his position for reasons related to his Jehovah's Witness religion.

Women perform most of the agricultural labor and have benefited less than men from social development. Despite the language in the Constitution, women's rights to property are limited, and women are not treated equally in divorce proceedings. Moreover, women have fewer opportunities for education, employment, and promotion. Family planning services are inadequate but are improving, and the President has been an outspoken advocate of family planning efforts. There are few organizations promoting women's interests. URAMA, a women's association which is an adjunct of the sole political party, was formed in 1989. The Government has completed revision of the Rwandan family code, which was awaiting at the end of 1989 the President's signature to take effect. The new code modernizes Rwandan laws concerning marriage, divorce, the status of children born out of wedlock, child custody, and other elements of family law.

Violence against women is socially accepted, especially in the countryside, but it is neither encouraged nor permitted by law. In public places, women are often observed to be subject to low level aggression: shoving, pushing, etc. Wife beating exists, but there are no studies available which show the extent of the problem. When reported, wife beating is punished by the courts, but rarely do these cases come to litigation. The Government has not addressed the issue of violence directly, but it has acted to improve the situation of women, largely by encouraging family planning and appointing women to positions of responsibility in the Government. The President has publicly advocated greater rights for women.

Section 6 Worker Rights

a. The Right of Association

The Rwandan economy consists predominantly of small scale subsistence farming. There is very little industry, and hence few workers in the modern wage economy, which accounts for perhaps 7 percent of the work force in both private and public sectors. Labor organizations have only recently begun to develop, and the Government is guiding this evolution through a sole labor union, the Central Union of Rwandan Workers (CESTRAR). The Union is integrated into the sole political party, the MRND. Other workers' associations no longer have the right to exist independently but must affiliate with CESTRAR. Union membership (open to all salaried workers) is

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optional. CESTRAR's leadership is focusing on nonwage-related work conditions and on providing training opportunities and credit union facilities to its members.

In theory, CESTRAR members have the right to strike, but only with the approval of the Executive Committee--in effect, the Government. There was one strike in 1989. On October 21-22, a number of employees struck at the Bralirwa brewery in Gisenyi, apparently over a dispute with a fellow employee. The CESTRAR director played a pivotal role in mediating the dispute. As part of the settlement, the employee in question was transferred to Kigali.

CESTRAR is affiliated with the Organization of African Trade Union Unity and the Organization of Central African Workers. It maintains friendly ties with foreign trade union organizations, including the American Federation of Labor and Congress of Industrial Organizations. Rwanda has been a member of the International Labor Organization since 1962, but has ratified neither Convention 87 regarding freedom of association nor Convention 98 on collective bargaining.

b. The Right to Organize and Bargain Collectively

The right to organize "professional organizations" and to engage in collective bargaining with employers granted by the labor code is exercised within the framework of CESTRAR. Government control of CESTRAR combined with the small size of the wage economy is a significant constraint on the collective bargaining process. In practice, collective bargaining for wages does not occur in Rwanda. There are no export processing zones in Rwanda."

c. Prohibition of Forced and Compulsory Labor

Forced labor is prohibited by Rwandan law and does not occur in practice (see Section 6.e.).

d. Minimum Age for Employment of Children

Except in the subsistence agriculture sector, which is the area of employment of most Rwandans, children under 18 are not permitted to work without their parents' or guardian's authorization, and they may work at night only under exceptional circumstances on a temporary basis. The Minister of Labor may grant work permission to a child under 14. Child labor outside the agricultural sector is uncommon.

e. Acceptable Conditions of Work

Minimum wage rates in the small modern economic sector are set by the Ministry of Labor. The current minimum wage is approximately \$1.50 per day; higher minimum wages apply to certain professions. The minimum wage is inadequate to provide a decent standard of living for urban families and is often supplemented by work in petty commerce or agriculture. Hours of work and occupational health and safety in the modern wage sector are controlled by law and enforced by labor inspectors from the Ministry of Labor. Government offices and most private sector companies have a 43-hour workweek, which includes Saturday morning community service. Rwandan wage earners in both the public and private sectors are accorded 1 weekday afternoon free for participation in sports and leisure activities. Saturday morning community service hours are counted as part of the regular work service hours, and therefore supplemental wages are not required.

SAO TOME AND PRINCIPE*

Sao Tome and Principe is a one-party state which has been headed by President Manuel Pinto da Costa since its independence from Portugal in 1975. He also leads the sole legal party, the Movement for the Liberation of Sao Tome and Principe (MLSTP), whose Central Committee is the country's key policymaking body. Most of the Ministers and Ministers-Delegate in the 15-member Cabinet (headed by the Prime Minister) are members of the Central Committee. The country's legislative body, the Popular Assembly, acts only to ratify bills proposed by the President.

A series of radical political reforms was endorsed by the MLSTP Central Committee and a widely attended national party conference in December 1989. The recommended changes include the establishment of a multiparty democracy, liberalization of the economy, direct election of the President by universal suffrage, the creation of an independent judiciary, and a guarantee of the right to strike. To be enacted, these reforms would require a rewriting of the party manifesto and national Constitution.

The police power is held by a 300-member paramilitary Security Police Force which reports to the Chief of Security Police in the Ministry of Defense. Sao Tome's small armed forces are supplemented by 450 Angolan soldiers, who have been present on Sao Tome since a 1978 invasion threat and who help guard the airport and other strategic locations. There are approximately 40 Cuban technical security advisers. Sao Tomean armed forces, acting with the help of the Angolan troops, successfully repulsed a March 1988 invasion attempt by 43 mostly unarmed "commandos," part of an exile group located in Portugal.

Since 1984 the Government has moved away from Marxist-Leninist economic practices and sought help from Western nations and international institutions to help reinvigorate the economy. Previous inefficient, state-directed agricultural practices and policies, combined with a birth rate of about 3 percent, had resulted in serious need for international food assistance, primarily from the United Nations' World Food Program. President Pinto da Costa reorganized his Government in January 1988 to try to cope more effectively with the continuing economic crisis and to implement reforms being negotiated with the International Monetary Fund (IMF) and the World Bank. One key aspect of the economic reforms is a land distribution plan which will allow individual farmers and cooperatives to obtain multiyear leases to farmland.

Human rights are tightly circumscribed in Sao Tome and Principe. Principal problem areas include: the use of incommunicado detention; restrictions on freedom of speech and press, assembly and association, and the right of citizens to change their government; and limitations on worker rights. The Government publicly committed itself in 1988 to permit due process, including an open trial, for the 41 commandos detained after the coup attempt. The trial ended in September with four of the accused acquitted and the remainder sentenced to jail terms ranging from 2 to 22 years.

*There is no American Embassy in Sao Tome and Principe. Information on the human rights situation is therefore limited.

SAO TOME AND PRINCIPERESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings by the Government in 1989.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There is little information available on this subject. Prison conditions are known to be severe. Amnesty International (AI) made a special appeal to the Government in 1988 expressing concern about possible mistreatment of the arrested commandos. AI reported that the detainees were held incommunicado for a lengthy period, without access to family or legal counsel, although families ultimately were allowed access to the prisoners. The authorities claimed that none of the detainees had been ill-treated while in custody.

d. Arbitrary Arrest, Detention, or Exile

There is very little information available on the laws regulating arrest and detention or the manner in which the authorities carry out these powers. Political/security cases normally come under the jurisdiction of the Special Court for Counterrevolutionary Acts established in 1975. In these cases, suspects may be held for 30 days for interrogation before being released or charged. In actual practice, the Government can detain security suspects for much longer periods, without charge and usually incommunicado, as in the case of the commandos arrested in 1988.

At the end of 1989, the number of political detainees still being held was unknown but was believed to be small. It is known that in addition to the commandos, several other people were arrested in the wake of the coup attempt and presumably they were tried in 1989 with the others (see Section 1.e.). Fears that the Government might use the "invasion" as an excuse for wide-scale arrests of suspected government critics did not materialize.

Carlos da Graca, former Minister of Health, accepted President Pinto da Costa's standing invitation to return home in 1988 and subsequently was named Foreign Minister. Former Prime Minister Miguel Trovoada and several lesser known government opponents still remain in self-exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Justice is administered at the highest level by the Supreme Tribunal, named by and responsible to the Popular Assembly. Thus the judiciary's independence is limited. Lower tribunals are appointed to try military cases. In most cases, common criminals are given a hearing and are sentenced by a judge. There is no tradition of independent defense counsel or jury.

SAO TOME AND PRINCIPE

The Constitution does not address the right to a public trial, but there have been instances of public trials in recent years. Criminal trials occasionally are reported by the local media.

The trial of 41 persons accused of involvement in the 1988 coup attempt took place in 1989 before the Special Court for Counterrevolutionary Acts. The defendants had access to legal counsel, and the trial was open to the public, including the government-controlled press. In September the Court acquitted four persons and sentenced the others to prison terms from 2 to 22 years. There was no information available on appeal procedures.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government seeks to identify potential dissidents through a loosely organized system of informers and monitoring of political activities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The national party conference in December was broadcast live by national radio and television and showed wide-ranging debate and at times sharp criticism of the party and Government. Previous to this event, little public criticism of, or opposition to, the Government was tolerated.

Sao Tome media, consisting of a television station, a radio station, and occasionally a newspaper, are government controlled and reflect faithfully the government and party line.

b. Freedom of Peaceful Assembly and Association

These freedoms are strictly limited. Historically, political assembly and activity have been legal only within the context of the MLSTP and its mass organizations. Since 1987, when the MLSTP Central Committee authorized a constitutional amendment permitting nonparty groups to propose candidates for election to the Popular Assembly, there has been an easing of assembly and association restrictions. Functions sponsored by cultural and social organizations require government authorization. In another recent development, cooperative and professional associations are now permitted with government approval.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religious freedom is provided for in the Constitution, and the three major religious communities--Roman Catholic, Protestant, and Seventh-Day Adventist--are allowed to practice freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The geographic isolation and poverty of this country severely limit foreign travel by its citizens. The Government closely controls exit visas for the few people who travel--almost exclusively those on government missions or medical evacuation

SAO TOME AND PRINCIPE

trips. Citizens move freely around and between the island of Sao Tome and the smaller island of Principe, 90 miles away. Because interisland transport is only by slow ferry or twice weekly propeller airplane, such travel is difficult. Many Sao Tomeans live in Gabon and Angola, due mostly to the lack of employment opportunities on the islands.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

Citizens did not have the right to change their government through democratic means in 1989. However, prospects for a pluralist democracy appeared to be enhanced by the December 1989 recommendations of the Central Committee and national party congress to establish a multiparty system. To maintain his leadership position, the President requires the support of a majority of the MLSTP Central Committee, a group which represents diverse economic and political ideologies. Government policy is formulated by President Pinto da Costa in consultation with the Prime Minister and other key cabinet and security officials.

Following changes in the party constitution proposed in October 1987, the MLSTP now encourages multicandidate elections for Popular Assembly seats and direct election by secret ballot of the President of the Republic (previously, election was by vote of the members of the Popular Assembly). All candidates must still be approved by the MLSTP, although they need not be party members. Elections of the President and the members of the Popular Assembly are held every 5 years, most recently in September 1985.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Sao Tome and Principe is an isolated nation with little outside contact. The Government reacted positively--promising and delivering an open trial for the perpetrators of the coup attempt--to Amnesty International's 1988 appeal for the well-being of, and due process for, those arrested invaders. No groups in the country are known to monitor human rights developments. Sao Tome is a member of the U.N. Commission on Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Sao Tomean population (94,000 on Sao Tome, 20,000 on Principe) is relatively homogeneous in a common Luso-African culture. There have been no reports of political discrimination on a tribal, regional, sexual, or religious basis. Sao Tome citizens of Cape Verdean origin are regarded as overly ambitious, and there is resentment of them by the rest of the populace. The inhabitants of Principe often feel neglected by the central Government, an attitude accentuated by the current economic crisis.

Like men, women face drudgery and low wages on the large cocoa plantations. Only a small number of women have gained access to professional positions. Violence against women in Sao Tome and Principe is believed to be infrequent and is not part of the traditional social context. The few incidents reported from time to time generally are presented within the context of domestic disputes. There is no information on the

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frequency of wife beating or other forms of domestic violence. As far as is known, the Government has not addressed this issue publicly.

Section 6 Worker Rights

a. The Right of Association

The right of association is restricted. The sole trade union exists mainly on paper. The National Organization of Workers of Sao Tome and Principe was formed in September 1989, but little is known of it apart from the fact that it is affiliated with the MLSTP. Most salaried workers in the country are on the large state-owned empresas (plantation-like agricultural enterprises) and do not often leave the estate, which includes all community facilities.

There is no explicit legislation forbidding strikes, but no strikes have been held, although the new political reforms, when implemented, would legalize the right to strike. Sao Tome and Principe joined the International Labor Organization in 1982 but has not yet ratified either Convention 87 on Freedom of Association or Convention 98 on the Right to Organize and Bargain Collectively. The sole trade union organization is nominally affiliated to the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

There is no information currently available on whether collective bargaining is legally permitted, but the Government is the determining force in setting wages and working conditions. Because of mismanagement, neglect, and unproductivity of state-run empresas, workers are sometimes not paid salaries for up to 6 months. Labor legislation and practice are uniform throughout the country, and there are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor, which is prohibited by law.

d. Minimum Age for Employment of Children

A legal minimum employment age of 18 years in the modern wage economy is generally respected in practice. However, in the subsistence agricultural sector, children work on family plots at all ages.

e. Acceptable Conditions of Work

The beginning basic salary for an empresa worker is about \$34 per month, with the median salary about \$50 per month. These wages are not sufficient to provide a decent living for workers and their families. The empresa workers survive by running up debts at the company store, which are deducted from their "paper" wages. Workers are provided free (but very poor) housing, rudimentary medical care, and access to the subsidized company store. The standard workweek is 40 hours.

The implementation of a structural adjustment program (backed by the World Bank) has led to measures such as a sharp devaluation of the currency and reductions in food subsidies which have caused short-term economic hardships for empresa

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workers and others. A few state-owned farms are now under private management, and the conditions of workers on these estates is slowly improving as cocoa production increases and modern management techniques replace Socialist collective farming.

Basic occupational health and safety standards are contained in the Social Security Law of 1979. It is not known to what extent they are enforced.

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Senegal is a republic with an elected president, unicameral legislature, and governmental institutions modeled on French lines. Although Senegal has 17 legal political parties, the Socialist Party has dominated the political scene and controlled the Government since independence from France in 1960. Prime Minister Abdou Diouf automatically succeeded the retiring President Leopold Senghor in January 1981. Diouf was elected President in his own right in the regularly scheduled elections 2 years later, and his Socialist Party won 111 of 120 National Assembly seats. In the hotly contested presidential elections of February 1988 (the results of which continue to be disputed by the opposition), Diouf was declared reelected with 73 percent of the vote. In the concurrent National Assembly elections, the Socialist Party took 103 seats and the opposition Senegalese Democratic Party (PDS) 17 seats.

The Senegalese armed forces (about 15,000 men, including the paramilitary gendarmerie) are a professional, disciplined organization which traditionally maintains an aloofness from politics and is respected by the population. Due to heightened tensions with Mauritania, the armed forces assumed a higher profile in 1989, e.g., in restoring order in the Dakar area under the state of emergency declared in April-May. Civilian security forces are fairly well trained and generally respect the laws they enforce; those who do not face criminal prosecution.

Senegal has a mixed economy with a substantial private sector. Since June 1983, Senegal has actively pursued a structural adjustment program, with the support of the International Monetary Fund, the World Bank, and major bilateral donors, designed to liberalize the economy and stimulate economic growth. There is concern, however, about the short-term political impact of the austerity reforms, particularly in Dakar, where high unemployment and deteriorating social conditions contributed to marked opposition gains and civil unrest in the 1988 elections. The economy remained fragile at the end of 1989.

Events in 1989 subjected Senegal's democracy and its generally creditable human rights record to its most sustained test since independence, particularly the mass violence against ethnic Maurs origin. Strikes plagued the education sector during the first quarter of the year. The leader of the Senegalese Democratic Party, Secretary General Abdoulaye Wade, returned to Senegal in March after a long absence abroad. Wade, who disputes the legality of President Diouf's reelection in 1988, held party rallies and called for mass antigovernment demonstrations, which were promptly banned by the authorities. Some demonstrators turned out anyway, and street violence and vandalism broke out in Dakar on March 14 and on National Day, April 4. Subsequently, touched off by a fatal border shooting on April 9, there were several waves of violence directed against Mauritians resident in Senegal and the declaration of a state of emergency. The violence resulted in scores dead in Senegal (and a similar rash of killings in Mauritania), the destruction of the greater part of Senegal's Maur-dominated small retail trade sector, a massive repatriation of populations by both countries, and both armies arrayed along their 500-mile border. Differences with other neighbors--a maritime border dispute with Guinea-Bissau and the breakup of the confederation with The Gambia--further raised the political temperature.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There was no evidence of any killings for political motives. However, government actions in both Senegal and Mauritania fueled the April unrest involving citizens of both countries. Senegalese authorities were slow to comprehend the scale of the violence directed against Maurs and their property. There has been no definitive public accounting of casualties, but senior Ministry of Justice officials estimated the number of dead at 80. Order was not restored until the army was called out, and a state of emergency imposed in the Dakar region.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Government and police officials in Senegal generally respect the section of the Criminal Code prohibiting physical abuse. Nevertheless, there are periodic accounts of occasional abuse (including beatings and denial of food, water, and clothing to prisoners) under interrogation during the period of custody ("guard a vue") between arrest and appearance before a magistrate.

Amnesty International (AI), with the consent of the Government, sent a team to Senegal in October to discuss charges of alleged torture of suspected Casamance separatists during the period 1982-1988. The Government refused to accept the delegation's suggestion that a special committee be established to investigate human rights abuses, saying that existing legal mechanisms were sufficient. The Government, however, publicly reaffirmed its opposition to torture and promised to improve oversight procedures in the courts and security forces to prevent abuses. AI's 1989 report notes that ill-treatment of prisoners by police in 1988 resulted in at least one death.

d. Arbitrary Arrest, Detention, or Exile

The constitutional prohibition against arbitrary arrest or detention is generally respected in practice. The Senegalese legal system is patterned after the French. A person suspected of a crime may be legally held without charge for 48 hours after arrest and may be held up to 72 hours if ordered by a public prosecutor. In fact this period of detention, during which the prisoner has no access to family or attorney, may be much longer.

Temporary detention or custody is permitted when civil authorities determine that there is a threat of civil disturbance or that a person is a threat to himself or others. Temporary custody is valid for a maximum period of 6 months, but it may be renewed for additional 6-month periods if the investigating magistrate certifies that this time is required to complete the investigation. There is no limit to the number of times it may be renewed. These laws are generally respected by law enforcement officials, and charges

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are formally and clearly drawn. By law, every person has access to legal counsel during every step of the legal process from the time his case is presented to a magistrate. Persons with means will have private attorneys. The court may appoint public defenders for indigents charged with felonies; in practice, however this rarely happens. The Association of Young Senegalese Attorneys provides free legal counsel to accused indigents.

During the state of emergency from April 28 to May 19, the Government had the authority to order house arrests and administrative internment for up to 2 months and to hold suspects for up to 8 days before charging them. However, with the exception of the curfew, no extraordinary powers were exercised, and such arrests as were made (all for crimes against property) were under the ordinary penal code.

However, the Government used its detention and other legal powers broadly in 1988 and 1989 to strike at critics, including journalists (see Section 2.a.). In judicial cases which are tried before the State Security Court, 23 persons remained under indictment for membership in an illegal organization, the Movement of Democratic Forces of the Casamance (MFDC), which advocates violent means to secure the independence of Senegal's southernmost region. All but five of these were free at year's end while awaiting trial; those still incarcerated are also accused of plotting against the security of the state. The five were arrested after having tried to solicit money and arms from Guinea-Bissau security officials to support guerrilla operations in the Casamance. Three men remained in detention awaiting trial for involvement in the fire-bombing of an official vehicle, allegedly for political motives, in December 1988. Seven members of the opposition PDS also were arrested, on the basis of an anonymous tip, in connection with the same incident. They soon were granted provisional liberty, and, although charges had not been formally dropped, the case appeared to be inactive at the end of 1989. In addition, 11 Maurs were being held at the end of 1989 for alleged espionage.

e. Denial of Fair Public Trial

Senegal has an active and well-trained judiciary, which is constitutionally independent of the executive, the legislature, and the armed forces. Court officials are lawyers who have completed a number of years of required apprenticeship. Trials are public, and defendants have the right to a defense attorney from the time the case is presented before an examining magistrate. Ordinary courts are presided over by a panel of judges which in criminal cases includes a panel of citizens as a form of jury. Magistrates are appointed by decree and in principle are not subject to government supervision; however, low pay, poor working conditions, and family and political ties may make magistrates vulnerable to outside pressures.

There are four categories of special courts: the High Court of Justice, the State Security Court, the Court for the Repression of the Unlawful Accumulation of Wealth, and the military courts. The High Court of Justice, created for the sole purpose of trying high government officials for treason or malfeasance, has never met. The State Security Court, consisting of a judge and two assessors, has jurisdiction over cases involving politically motivated crimes. The "illegal enrichment" Court, which has only judged three cases since it

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was created in 1981, is not presently active. The military court system has jurisdiction over offenses committed by members of the armed forces during peacetime. Civilians may not be tried by military courts.

There were no reports of political prisoners in Senegal at the end of 1989. However, a military Board of Enquiry in April 1989 disciplined three officers, including the former armed forces chief of staff, for allegedly plotting a coup during the turbulent events surrounding the 1988 elections. Early in 1989, the Government indicated its intention to appeal a judge's decision of November 1988 in Louga which dismissed charges against members of two opposition political parties for unlawful assembly and inciting a riot; no appeal, however, had been entered at the end of 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is relatively little government interference in the private lives of Senegalese citizens, particularly in rural areas. There are constitutional safeguards against arbitrary invasion of the home. Search warrants are required and under normal circumstances may be issued only by judges and in accordance with procedures established by law. In practice, searches without warrants occasionally take place. There is no evident pattern of monitoring the private written or oral communications of Senegalese citizens. There are reports, however, of active supporters of the political opposition being subject to wiretaps, unusually close scrutiny of tax records, and other forms of petty harassment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is protected in the Constitution and is generally respected in practice. Subject to restrictions relating to public order, a wide variety of political expression is possible. While Senegal's only daily newspaper is controlled by the ruling Socialist Party, there are many regularly published magazines and newspapers reflecting a broad range of political opinion from conservative to Marxist. The independent press often breaks stories ignored by the establishment daily newspaper (e.g., the trial of military officers accused of planning a coup d'etat) and the opposition newspaper, Sopi, regularly denounces the Government as illegitimate and calls on President Diouf to resign.

Notwithstanding this diversity, the official media (including the government-controlled radio, which is by far the most important medium of news dissemination), are subject to controls over their news coverage. Activities of the ruling party are always covered, while the opposition parties are mentioned only occasionally and selectively, e.g., communiques are not read in their entirety, or certain factions are excluded in favor of others less hostile to the Government. More equitable access to the media emerged as a principal opposition demand during and after the 1988 elections. The National Assembly in October enacted a new law, which must still be implemented by decree, regulating access to television and radio by "regularly constituted political parties." It is not yet clear whether the law will result in more transmission and air time to the Government's opponents.

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There are laws prohibiting personal attacks against the Chief of State or the institutions of the Republic, and a 1965 law prohibiting the dissemination of "false news" has been criticized for having a possible chilling effect on journalists. The Government used these legal powers in 1989. A university professor, who wrote an article in an independent newspaper on January 5, 1989, on the Senegalese police strike of 1987, was threatened with charges that he tried to discredit the institutions of Senegal; the case was dropped by the end of the same month. The publication director for Sopi was convicted on December 16 of spreading false news and discrediting public institutions. The charges arose from an article he had written in the spring claiming that agents of the Government had falsified the 1988 presidential election returns--certified as authentic by the Supreme Court--and publishing what were purported to be the true figures, showing PDS candidate Wade a clear winner. The director appealed the verdict and was released from custody until the appeal is heard. On September 12 and 13, four Sopi journalists and the chairman of the PDS parliamentary delegation were indicted for a series of Sopi articles attacking a senior member of the Government and exposing alleged equipment deficiencies in the armed forces. Immediately after charges were filed, all were granted conditional liberty (requiring the accused to keep the authorities advised of their whereabouts). The cases were still pending at year's end.

Publishers are required to register with the Central Court prior to starting publication, but such registrations are routinely approved. Publications, including foreign publications, are almost never censored or banned in Senegal. An exception occurred in February 1989 when Salman Rushdie's "Satanic Verses" was banned. The action came after the Organization of Islamic Conference (of which Senegal is a member) called on member states to ban the book and all others published by Viking/Penguin until the publishers withdrew the offending title. However, no other Viking/Penguin books were withdrawn, and foreign periodicals reporting on the Rushdie affair and quoting the book's controversial passages continued to circulate freely in Senegal.

In general, academic freedom is enjoyed by the schools and Senegal's sole university.

A National Commission reviews all films prior to public showing. Movies deemed offensive to Senegalese moral sensibilities are censored or banned. No instances are known of films being banned because of offensive political content.

b. Freedom of Peaceful Assembly and Association

In general, Senegalese freely exercise their constitutional rights of assembly and association. However, prior authorization for public demonstrations is required, and demonstrations or protest meetings against government policies are closely monitored by security services. The Ministry of Interior refused permission for the opposition PDS to hold mass demonstrations in Dakar March 14 and April 4 (National Day) on the grounds that public safety was threatened by the vandalism and random street violence which increasingly has accompanied such political demonstrations. Senegalese wishing to form associations must register them with the Ministry of Interior (except for business-related associations, which are registered with the Ministry of Commerce). By law and in practice, the Ministry is obliged to register such groups, so

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long as the objectives of association are clearly stated and not in violation of the law.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Senegal is constitutionally a secular state, and freedom of religion is a legal right which exists in practice. Islam is the religion of over 85 percent of the population, but no attempt has been made by the Government to introduce Shari'a (Islamic) law. Other religions, the major one of which is Roman Catholicism, are freely practiced. Missionary activity is permitted, and foreign Protestant missionaries are active in several regions of the country. Conversion is permitted, and there is no discrimination against minority religions. Adherence to a particular religion confers no official advantage or disadvantage in civil, political, economic, military, or other sectors. Both Islamic and Christian organizations publish periodicals. Koranic and Catholic schools exist alongside the public schools system, and the Mouride Brotherhood is constructing an Islamic University in its headquarters city of Touba.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution states that all citizens have the right to move and establish themselves freely anywhere in Senegal, a right that is respected in practice. Exit visas are not required for travel outside the country. There is no restriction on emigration, and repatriates are not officially disadvantaged on return to Senegal. A nighttime curfew was imposed throughout the Dakar region during the state of emergency which lasted from April 28 to May 19. A Senegalese citizen by birth may not have his citizenship annulled for any reason. A naturalized citizen may have his citizenship revoked if it is proved in a court of law that he obtained his citizenship fraudulently or--if he has been a citizen less than 15 years--if convicted of a crime.

Although Senegal's tolerant political and economic environment has attracted Africans from other countries, Senegal has hosted few official refugees. According to the United Nations High Commissioner for Refugees (UNHCR), there were less than 200 registered and assisted refugees in the country at the beginning of 1989. However, in 1989 the refugee/displaced person situation changed dramatically with the ethnic violence which erupted in Senegal and Mauritania in April and May. Unable initially to protect Maurs resident in Senegal, the Government--in agreement with the Government of Mauritania--began repatriating many of them by air and by land; and eventually some 100,000 persons were returned to Mauritania. Many of these lost their property in Senegal, and some were stripped of personal belongings and papers by Senegalese authorities--allegedly in retaliation for similar treatment dealt to Senegalese departing Mauritania. Prior to the unrest, some estimates placed the number of Mauritians living in Senegal at 300,000, although no firm figures are available.

These civil disturbances in turn led to a massive return to Senegal of persons from Mauritania. By September approximately 90,000 Senegalese, mostly skilled and

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semiskilled workers and fishermen, had been repatriated from Mauritania. In addition, some 44,000 black African Mauritanian citizens and 16,000 Senegalese uprooted from their traditional homes on the right (Mauritania) bank of the Senegal River had taken refuge in Senegal. Some had been forcibly expelled from Mauritania, while others fled a climate of intimidation and violence. Almost overnight, Senegal faced a massive and unanticipated refugee/displaced persons problem, but by the end of 1989 most of the 90,000 repatriated Senegalese had been absorbed into their families and communities throughout the country, although their integration into Senegal's fragile economy remained a serious problem. In contrast, the 60,000 Mauritanian and Senegalese uprooted from their communities in Mauritania have been sheltered in refugee camps and in Senegalese villages near the river frontier. For the most part the Senegalese, working with the UNHCR and other international agencies, organizations, and donor countries, have been generous in assisting these refugee/displaced persons, many of whom have strong ethnic and family ties in Senegal.

There were no known instances of refugees or displaced persons being refused entry into Senegal or forcibly returned to Mauritania. However, the Government admitted that some Senegalese citizens might have been inadvertently transferred to Mauritania during the exchange of populations and has said Senegal will take back any citizens who wish to return. According to UNHCR estimates, up to 22,000 Senegalese citizens may have been among those transferred to Mauritania. The Mauritanian Government claims that upwards of 200,000 of its citizens are still being held hostage in Senegal. The Senegalese Government disputes this charge. However, a mechanism for identifying such Mauritanians in Senegal and Senegalese among the displaced population in Mauritania and facilitating their return to Mauritania and Senegal had not been established by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Senegal is a functioning multiparty democracy, but the legitimacy of its 1988 election results was sharply challenged by the opposition. The Socialist Party has dominated Senegalese political life since independence. Presidential and legislative elections, with universal suffrage for all citizens over 21, are held concurrently every 5 years.

Following the 1988 elections, opposition leaders claimed widespread fraud and continued in 1989 to dispute publicly the legitimacy of the announced results. Sixteen of the 17 elected opposition deputies did take their seats in the National Assembly and participated in parliamentary activities. Opposition leaders demand electoral reforms, including a tightening of the voter identification card system and protection of the secret ballot. Legislation along these lines was enacted by the National Assembly in October. The new electoral law failed to address the opposition demand for a neutral national commission to supervise elections, a task now carried out by civil servants and the Supreme Court.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government allows human rights groups such as Amnesty International to investigate allegations concerning human rights abuses in Senegal and responds to requests for information about those allegations. The ICRC, with the approval of the Government, opened an office in Dakar in May 1989 with a mandate to monitor prisoner conditions.

Senegal is a leader among African countries in the promotion of international standards for human rights practices. For example, it sponsored the African Charter on Human and People's Rights of the OAU and was a founder of the OAU's African Human Rights Commission in 1987. Its officials serve in a variety of pertinent bodies; its representative was chairman of the U.N. Human Rights Commission in 1988 and played a key role in organizing and leading a mission to investigate the human rights situation in Cuba. Dakar is the headquarters of several institutions which foster human rights and democratic pluralism in Africa and frequently is the site of conferences related to human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While officially there is no discrimination in Senegal based on race, religion, or language, the country is predominantly Muslim, and Islamic customs, including polygamy and the rules of inheritance, generally prevail, especially in the rural areas. Article 7 of the Constitution states, "men and women shall be equal in law." The status of women has steadily improved under government encouragement and through increased educational opportunities. Modifications of the family code adopted by the National Assembly in 1988 reinforced women's rights to divorce, alimony, and child support.

However, Islamic and Senegalese customs persist, and women are still confined largely to traditional roles, notably in the large subsistence agricultural sector. Women usually marry young (the majority by age 16), average about 7 live births, and die relatively young. Sixty-seven percent of women aged 40 to 45 live in polygamous unions.

Violence against women, usually wife beating, occurs, particularly in rural areas, but there are no accurate statistics, and the extent of the problem is not known. Police do not normally intervene in domestic disputes, and women are reluctant to go outside the family for redress. Infibulation, the most severe and dangerous form of female genital mutilation, frequently is performed on girls aged 10 to 14 in the Fleuve, Casamance, and Senegal Oriental regions; the practice is deeply rooted in ethnic tradition and cuts across religious lines. There are no laws or regulations prohibiting this practice. However, the Minister of Social Development (a female dentist) has taken a personal interest in the issue and has formed a group to study the practice and warn village women of its hazards. The semiofficial daily newspaper *Le Soleil* carried a lengthy World Health Organization report in December about the harmful physical and psychological effects of excision and infibulation.

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Section 6 Worker Rights

a. The Right of Association

A minimum of seven people, each having worked within their profession for at least 1 year, are free to form a union by submitting a list of members and a charter to the Ministry of Interior. A union can be disbanded by the Ministry if the union's activities deviate from the charter. Even though they represent a small percentage of the overall population, unions wield a significant amount of political influence, primarily because of their ability to disrupt essential services.

At least 75 percent of the working population are engaged in rural activities such as cultivation, herding, and fishing. There are approximately 323,000 workers in the formal wage sector, of which approximately 100,000 belong to various unions. Of these, approximately 70,000 workers in 61 unions belong to the National Confederation of Senegalese Workers (CNTS), which is affiliated with the ruling Socialist Party. Although the CNTS was established in 1969 as the sole trade union central, with affiliation to the sole legal party, political and trade union pluralism was reestablished after 1976. The principal rival organization to the CNTS is known as the Democratic Union of Senegalese Workers (UDTS) and various independent unions exist in health, education, and transportation sectors.

While ostensibly an independent umbrella organization, the CNTS has supported government policies. During 1989 strains developed in this relationship, and the CNTS leadership has publicly opposed government policies on structural adjustment, modification of the labor code, and liberalization of the economy. Although CNTS remains Senegal's largest and most powerful labor confederation, it faces increased competition from independent unions.

Unions have the right to strike, and 1988/1989 saw strikes by the teacher/professor, electrical, banking, and health worker unions which were resolved in bargaining with the Government.

Senegalese unions are active in international labor organizations. The CNTS and the small Union of Free Workers of Senegal (UTLS) belong to the Organization of African Trade Union Unity. The UTLS is also listed as an affiliate of the communist-controlled WFTU.

For several years the Committee of Experts of the International Labor Organization has requested an amendment to the Senegalese law covering seditious associations to ensure that the Government cannot dissolve a trade union which it regards as disrupting the constitutional order by unlawful means.

b. The Right to Organize and Bargain Collectively

Senegalese unions have the right by law to organize and to bargain collectively, and these rights are protected in practice. There are no known instances of workers being forcibly discouraged from exercising these rights. In recent years, as the economic situation worsened and factories and businesses closed down, collective bargaining has succeeded in several instances in ensuring extended benefits for laid-off workers, e.g., the airline workers' union in negotiations with the Government and the new management of Air Afrique

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respectively. The CNTS has been a major force in pressuring employers and the Government to establish regulations and guidelines for the well-being of workers. The Government will intervene in labor/management disputes when requested and plays a mediation and arbitration role in private and state-enterprise sectors.

An export free zone exists in Dakar into which goods may be imported for manufacture and reexported without payment of duty. Senegalese labor laws apply uniformly throughout the country, including in this zone.

c. Prohibition of Forced or Compulsory Labor

There were no reports of forced labor in Senegal, which is prohibited by law.

d. Minimum Age for Employment of Children

The minimum age for employment in Senegal is 16 for apprenticeships and 18 for all other types of work. These restrictions are closely monitored and strictly enforced within the formal wage sector, that is, the area of the economy over which the Government can exercise some supervision such as state agencies, large private enterprises, or farmers gathered into cooperatives. On the other hand, children under 16 are employed in the traditional sector, and minimum age and other workplace regulations on family farms in rural areas and in small, privately owned businesses are not seriously enforced.

e. Acceptable Conditions of Work

The CNTS has been very successful, within the formal economic sector, in obtaining acceptable conditions of work, including standard workweeks (40 to 48 hours per week for most professions), holiday/annual leave benefits (usually 1 month per year), and a variety of health and safety regulations. These regulations are incorporated into the Labor Code approved by the National Assembly and are supervised by Ministry of Labor inspectors. Enforcement, however, appears to be uneven, especially outside the formal wage sector. Recent CNTS efforts have concentrated on raising the minimum wage, currently approximately \$0.82 an hour, which, according to Senegalese unions, is not considered sufficient to maintain a decent standard of living. Workers must frequently supplement incomes through second jobs and reliance on the extended family.

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President France Albert Rene, who took power in June 1977 in a military coup d'etat, heads the Government and the only authorized political party in the Seychelles. In 1979 the new Government adopted a Constitution which abolished all political opposition to the ruling Socialist party, the Seychelles People's Progressive Front (SPPF), and established a strong presidency which appoints ministers, and a People's Assembly of 23 elected party members and several appointed members. In the 1987 Assembly elections more than one candidate vied for some seats, but all candidates were members of the SPPF. President Rene was the only candidate in the June 1989 presidential election, winning more than 96 percent of the vote for a third 5-year term.

Seychelles has a defense force of about 800 army personnel, a 300-man presidential protection unit, a 200-man navy, a 50-man air force, a uniformed police force of 500, and a people's militia of about 2,000. Collectively, these units amount to 5 percent of the total population.

The Government, through the Seychelles marketing board, other state organizations, and banking regulations, controls the importation, licensing, and distribution of virtually all goods and services and exercises significant control over all phases of the economy. Tourism is the most important sector, accounting for 11 percent of gross domestic product. Approximately 80,000 tourists visited Seychelles during 1989. Seychelles has made progress toward diversifying its economy by granting fishing licenses to a number of foreign fishing vessels, and it services this fleet at expanded port facilities in Victoria, which were financed by foreign donor assistance.

Human rights, including political rights, continued to be circumscribed in 1989. The Constitution does not provide for fundamental human rights, but rather includes them in a preamble as the goal of the people of Seychelles. The threat of the President invoking the Public Security Act, which allows for indefinite detention in security cases, serves to intimidate real and potential opposition elements. The Government also uses exile as a means of suppressing dissent, and it has continued a program for acquiring real property belonging to Seychellois residing overseas and known to be opposed to the Government. There were no reported instances of political arrests or detentions in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no confirmed instances of killing for political motives in 1989.

b. Disappearance

There were no reports of disappearance.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution explicitly forbids torture. However, there were credible reports of abusive practices on the part of the Seychelles police, particularly its Police Mobile Unit (PMU). These activities primarily involved severe beatings, often with wooden batons (hence the PMU's local nickname, the Garde Baton), and occurred with disturbing frequency during 1989. The objects of these beatings are, for the most part, suspected drug users, unemployed youths, and the like. The beatings themselves generally do not occur in connection with detentions. Criminal complaints brought against individual officers for such practices are invariably dismissed, and no policemen have been discharged as a result of these activities.

d. Arbitrary Arrest, Detention, or Exile

The Penal Code provides that persons arrested must be brought before a magistrate within 48 hours. In nonpolitical cases this provision is applied in practice. Bail is available in most cases. The Government, however, has used criminal charges such as drug possession to hit at perceived opponents, e.g., the case of Royce Dias.

There were no confirmed reports in 1989 of persons being arrested and detained under the Public Security Act (PSA), which was passed in December 1981 in the aftermath of an attack by mercenaries. The Act allows for indefinite detention in security cases and has been used in the past under questionable circumstances, e.g., the arrest of Phillippe Boule, the leading human rights activist in the country in June 1986. Under the authority of the Penal Code, police sometimes hold persons for 24 hours for "questioning" regarding alleged antigovernment activities. In particular, persons who seek to mobilize public opinion against the Government run a serious risk of being held for "questioning." In late 1989, the Attorney General determined that the period of initial detention could be extended to 48 or even 72 hours, provided that an active investigation was being conducted "with reasonable dispatch." The defense attorney has excellent access to the detainee and to the police and can readily ascertain whether there is an active investigation. At the end of 1989, there were no known political detainees or prisoners.

In the past, the Government has directly urged opponents to emigrate, an option that many have chosen over the years. It has also taken other actions to encourage potential opponents to leave the country, including dismissals from government service and social and economic harassment against businessmen and professionals.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is patterned on English common law (e.g., public trial by jury) but is also influenced by the Napoleonic civil law (e.g., torts and contracts). The judiciary includes the Supreme Court and an Appeals Court. Judges are provided under arrangements with the British Commonwealth and, except for past security cases, they have exhibited considerable independence from both the executive and legislative branches. Defendants in nonpolitical (both civil and

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criminal) cases have access to counsel and enjoy speedy and fair trials. The Chief Justice, who is appointed by the President, has stressed on several occasions that it is the judiciary's responsibility to impose sentences as required by law and that it should reflect the will of the legislature.

The President exercises quasi-judicial powers. He not only has appointment authority but also has broad detention authority where public security is involved. Seychelles law requires that a member of the armed forces be tried by court-martial unless the President decrees otherwise.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The authorities have broad powers of search and seizure without a warrant, and the Mobile Police Unit is particularly active in exercising such power. During 1989, for example, an MPU force in excess of 12 members (all male), acting without a warrant, smashed down the door of a local woman's home, strip-searched her in her own home, and ransacked that home in what was alleged to be a search for drugs. No drugs were found.

Legislation exists which allows the Government to open mail, domestic as well as international, and it is widely believed that it does so regularly. Many persons complain that applications for immigration to other countries are confiscated.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although theoretically protected under the 1979 Constitution, freedom of speech is exercised sparingly. There is no criticism of the President or the Government in Parliament, although specific issues are debated and reported in the media.

The Government controls the major newspaper in the country, as well as all radio and television broadcasting. Legislation provides up to 3 years' imprisonment for anyone "who with intent to bring the President into hatred, ridicule, or contempt, publishes any defamatory or insulting matter whether in writing, print, or by word of mouth, or in any other manner." This same legislation authorizes a 2-year sentence for anyone who "prints, supplies, distributes, reproduces, or has in his possession or control" any publication banned by the Government for security reasons. The Government has sought to prevent the importation of pamphlets printed by its opposition abroad. There were no known arrests for distribution or importation of "seditious literature" in 1989. In general, foreign publications are imported and sold without hindrance.

The President has kept his promise not to interfere with the right of religious groups to speak out freely on religious and social matters. The Catholic Church publishes a lively paper, *Echo Des Isles*, which is not subject to government censorship and which carries some articles obliquely critical of the Government. The two largest religious denominations in the country, the Roman Catholic and the Anglican churches, are each provided 2 hours of free, uncensored broadcasting time a month. Both churches have taken advantage of the monthly

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broadcasts to comment on social and political issues. In 1988 the Government issued a new, 25-year broadcasting license to the Far East Broadcasting Association (FEBA), a radio missionary organization which has broadcast the Christian gospel to Asia and Africa from Seychelles for the past 18 years.

Foreign broadcasts are widely listened to and are uncensored. However, the Government has increased its range of available controls over broadcasts and telecommunications originating in Seychelles through the Broadcasting and Telecommunications Act of 1988. This Act authorizes the Government to restrict the transmission of messages, to prohibit the broadcast of any material which in the Government's opinion is objectionable, and to permit the entry of government officials onto any premises and to examine any apparatus in connection with provisions of the Act.

b. Freedom of Peaceful Assembly and Association

While there were no incidents in 1989, the Government has in the past been quick to move against unauthorized demonstrations and has made arrests under an old British colonial law which prohibits unlawful assembly without a government permit. All associations, clubs, and other organizations require government permission to organize, which is usually granted for nonpolitical groups only.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no religious persecution in Seychelles, and church services are widely attended. The Roman Catholic, Anglican, and other Christian denominations thrive, and Muslims and Hindus are unrestricted in their religious practices.

There is a clear separation between church and state, and religious instruction in public schools has been limited. Responding to religious institutions' complaints, the Government now permits children (ages 14-17) in the National Youth Service (NYS) to attend church by allowing services to be held at the NYS camps.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Passports may be acquired by any citizen, although Seychellois traveling abroad for study at government expense are required to sign a bond which enables the Government to recoup the cost of their education if they fail to return. Persons who are "bonded" must obtain government permission to travel abroad following their return. There are no known cases in which passports are currently being withheld. There are no restrictions on voluntary repatriation for Seychellois willing to accept the present one-party political system, though it is widely assumed that former President James Mancham and certain former members of his government will not be permitted to return to Seychelles.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since 1979 there has been only one legal political party, the Seychelles People's Progressive Front (SPPF). Citizens cannot legally and peacefully change this one-party system, and therefore cannot change the party in power. President France Albert Rene, both as President of the country as well as the Secretary General of the party, wields considerable power and influence. During the last SPPF Congress held in December 1987, the President was again unopposed and was elected unanimously to a fourth 3-year term as Secretary General of the Party. Opponents of the party can neither organize nor express public opposition. The party has 23 regional offices called "branches," which are responsible for organizing and supervising discussion about current government policies. The party encourages these branches to report public opinion in their regions, but this does not often result in policy changes.

The Government uses various means to stifle political opposition. In June 1983, it embarked on a campaign to nationalize private land, ostensibly to claim unused agricultural acreage. On March 13, 1987, the Government implemented a vigorous program of acquiring many parcels of Seychelles real estate owned by Seychellois abroad known to oppose the Government. The acquisitions are made under the Land Acquisition Act of 1977. Compensation, supposedly at market value, is usually in the form of bonds and paid to the owners over a period of 20 years. Under the law, it is impossible to challenge the acquisition itself--it is only the amount of compensation which can be appealed in court. Acquisitions continued at a high rate during 1989, not only of properties belonging to nonresident Seychellois, but also of properties belonging to foreign nationals, including one American citizen, and of resident Seychellois not known to oppose the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Requests for information are sent to the Chief Justice of the Supreme Court, who acts as an interlocutor between human rights groups, such as Amnesty International, and the Government. In the past, inquiries have led to the release of some detainees. However, the Government has not been responsive to a report of the U.N. Human Rights Commission concerning three outstanding disappearance cases dating back to 1977 and 1984. There are no private human rights groups in Seychelles.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no discrimination in housing, employment, education, or other social services based on sex or on racial, ethnic, national, or religious identification. Women enjoy high status in this essentially matriarchal society. They have the same legal, political, economic, and social rights as men.

Violence against women, particularly wife beating, does occur in Seychelles, but, according to medical personnel, it is not widespread and is not tolerated by the Government or the courts. Under Section 31 of Seychelles Criminal Procedure

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Code, a private civil complaint may be brought before a magistrate, free of charge, to impose a bond "to keep the peace" of up to approximately \$200 against someone using or threatening violence against another. This provision in the Code is used by women against their harassers, and it is quite effective. Married women can easily obtain exclusion orders against abusive husbands and frequently do. On the criminal side, violence against women is prosecuted as assault cases to the full extent of the law, including spouses if that is the case. Police have no hesitation in intervening in domestic disputes where violence has occurred or is threatened.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to form or join unions of their own choosing in Seychelles, nor are they independent of the Government or the ruling party. All workers (except for some temporary workers) belong to the National Workers Union (NWU) by virtue of the fact that a percentage of their social security contributions is given to the NWU. The SPPF controls the NWU's funds and appoints its leaders. Workers and their leaders have no legal right to strike or initiate any industrial action except with the permission from the SPPF Central Committee. There were no strikes in 1989. In August 1989 party Deputy Secretary General James Michel said that the SPPF viewed the NWU as a "transmission belt which links the party with the working people."

Workers are permitted to elect their shop stewards (also called Works Committee Members), but all candidates are screened by the NWU Executive Secretariat, which has the power to dismiss an elected shop steward.

The Committee of Experts of the International Labor Organization (ILO) expressed again in 1989, as in previous years, its concern over the Government's unwillingness to implement ILO Convention 87 on Freedom of Association, which Seychelles has ratified. The NWU's only international affiliation is with the Organization of African Trade Union Unity, but it maintains close relations with the Communist-controlled World Federation of Trade Unions. While not prohibiting the NWU or the Employers' Federation from participating in regional ILO conferences, the Government does not encourage participation in the annual ILO conference in Geneva, which occurs at the same time as national "liberation" (coup anniversary) celebrations in Seychelles.

b. The Right to Organize and Bargain Collectively

In the one-party, one-trade union confederation structure, there are serious limitations on worker rights to organize. The NWU constitution does protect union members "from victimization in the carrying out of legitimate trade union activity" and requires its executive board to investigate shop steward dismissals so as to verify that the dismissal is not based on union-related activities. In the event of a disagreement between the NWU and a company over a shop steward's dismissal, the party would make the final determination.

Free collective bargaining generally is not practiced in Seychelles. The Government has the right to review and approve all collective agreements from the private and public

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sectors. Authority for establishing and enforcing employment terms, conditions, and benefits is vested in the Ministry of Employment and Social Services by the Employment Act of 1985, Seychelles' basic labor law. While revision of the 1985 Employment Act is expected soon, no modification of the Government's dominant role in setting terms and conditions of employment is expected.

There are no export processing zones in Seychelles, and labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not exist in practice.

d. Minimum Age for Employment of Children

The minimum age for employment is 15. Children are required to attend school until the age of 15. The Government encourages children to attend 2 years of National Youth Service (NYS) before entering the work force at the age of 18 or going to the polytechnic for vocational training, and it discourages public or private sector employment of workers under 18 years old. The Government offers voluntary short-term (up to 6 months) work employment programs for school leavers not participating in the NYS. Children in these programs receive a training salary which is below the minimum wage. The Government effectively enforces its child labor laws through regular inspections by the Ministry of Employment and Social Affairs (see below).

e. Acceptable Conditions of Work

Seychelles has a complicated minimum wage scale which depends upon job classifications. The legislated minimum wages range from over \$190 per month for an unskilled laborer to over \$1,000 per month for a high-level civil servant. Given the free public services that are available, primarily in the areas of health and education, a single salary at the low end of the pay scale does provide a family with a decent, if Spartan, standard of living. Many families deal with Seychelles' high cost of living through two or more incomes. The Ministry of Employment and Social Affairs has responsibility for enforcing minimum wage regulations. Due to a labor shortage, the de facto minimum wage is considerably higher than what is legally required. It is unlikely that anyone would accept less than the minimum wage, and the Ministry counts on the workers themselves to complain should a prospective employer make such an offer.

The maximum workweek is 48 hours (or 9 hours per day). Included in this is a mandatory half-hour's break per day. All full-time workers are legally entitled to a minimum of 21 days of paid annual leave per year. Workers are permitted to work overtime up to 12 hours a day. These ceilings are enforced by the Government, though it is possible that some occasional abuses do occur. Under the 1978 Occupational Safety and Health Decree, the Ministry of Employment and Social Affairs is responsible for enforcing the Government's rigorous occupational safety and health standards. In March 1989, the decree was amended to cover government workplaces. These standards are rigorously enforced by inspectors who make regular workplace visits. In 1989 there were 1 work-related fatality and 40 work-related injuries in Seychelles.

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Sierra Leone has a one-party system of government with the President, Major-General Dr. Joseph Saidu Momoh, exercising predominant executive authority. The 1978 Constitution established the All People's Congress (APC) as the country's sole legal political party. The unicameral Parliament is subservient to the party and is largely an advisory body.

The security structure includes the Defense Force (between 1,500 and 2,000 men), the regular police (3,000 to 5,000), and a paramilitary branch of the police, the Special Security Division (1,000 to 1,500). The Defense Force is responsible for preventing external aggression and wide-scale civil disturbances. The police are responsible for law and order and internal security. The Special Security Division's role is not well defined, but, under the previous regime, was used to enforce the political decisions of the President.

About 70 percent of Sierra Leone's 3.9 million population is engaged in agriculture, mainly subsistence farming. The Constitution recognizes a person's right to own private property, but the Government controls mineral exports. For many years the economy has been in a steady decline, in part due to falling world diamond prices and to reduced rice production. Mineral exports, notably titanium ore, gold, and diamonds, are the principal sources of foreign exchange. In 1989 the Government introduced new measures designed to improve control over the mining sector, e.g., it reintroduced gold and diamond licenses and required exporters to deposit 60 percent of their proceeds in foreign currency to the central bank.

Human rights remained significantly circumscribed in 1989. Principal human rights concerns were mistreatment of detainees and harsh and degrading prison conditions; arbitrary and excessively long detentions; restrictions on freedom of speech and press, assembly and association, and the right of citizens to change their government; and de facto discrimination and violence against women. Favorable developments included the lifting of a 1987 state of economic emergency that had augmented government power to detain and control people's movements and initial government efforts to improve prison conditions. In addition, observers generally agreed that correct judicial procedures had been followed in the State's handling of the controversial treason case of former vice president, Francis M. Minah and 11 others.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Harsh physical treatment of suspected criminals, especially by police during interrogation, is common. In recent years,

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attention has been focused on prison administration and harsh conditions. Amnesty International (AI) has in particular called attention to reports of deaths in prisons, such as Pademba Road Prison in Freetown. In September 1987, the President appointed a special Commission of Inquiry to investigate prison conditions, including persistent reports of harsh conditions and cruel, inhuman, or degrading treatment of prisoners. The Commission completed its inquiry in 1989, but the Government had not made its findings publicly available by year's end. Nevertheless, according to reliable reports, the Commission found a number of specific cruel practices, including the stealing of food from prisoners. The Government reportedly levied severe fines against the responsible officials and initiated steps to improve conditions, including, according to former prisoners, sparse, but adequate food supplies. Prisons remained, however, seriously overcrowded.

d. Arbitrary Arrest, Detention, or Exile

Judicial review of arrests is part of Sierra Leone's common law, but even under normal circumstances, detainees may be held for 28 days before being charged with an offense. There are reports, however, that judicial review, including the 28-day limit, is not always observed. Attorneys and others have often alleged that police, to harass or to exact personal gain, sometimes detain persons without charge or judicial review and that those too poor to hire a lawyer are often held for years without trial, particularly when the accuser has paid law enforcement or judicial officials to violate the law.

Under the Constitution, the President may take measures to detain any person who is, or is reasonably suspected of being, dangerous to the security of the Republic. The now expired economic emergency law extended the definition of "dangerous" to include a range of "economic" activities. During a state of emergency, the Public Emergency Act comes into effect, and persons detained under its provisions can be held indefinitely and are not guaranteed a hearing unless charged with a capital offense.

There were no known political detainees or prisoners being held at the end of 1989.

Exile as a political weapon is not practiced in Sierra Leone. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Sierra Leone's judicial system is composed of the Supreme Court, an intermediate Court of Appeals, a High Court of Justice, and magistrates' courts. Judges are appointed by the President. Local courts, presided over by indigenous ethnic leaders, administer customary law and are especially important in the rural areas.

The judiciary has generally maintained its independence, although some critics charge that the legal system can be subject to political manipulation, often before cases reach the courts, and that it has also been penetrated by corruption, particularly at the lower levels. Defendants are allowed counsel of their choice, but many cannot afford them. Public defenders are provided only in capital offense cases. Convictions may be appealed; the appeal courts generally have a reputation of being less susceptible to corruption.

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In September the Supreme Court rejected the appeals of the former first Vice President, Francis M. Minah, and 11 others. Minah and the others were convicted of attempting to assassinate the President in a March 1987 coup attempt in which two policemen were killed. The defendants appealed to a clemency board chaired by the first Vice President and then to the President, who upheld the decision to execute six of the defendants. Six others had their sentences commuted to life imprisonment. On October 7, Minah and the five others condemned to death were executed by hanging. The trial was judged by most observers to be procedurally correct and fair.

The 1987 coup case--from arrest to trial to appeal--moved slowly but steadily, but most court cases are not rapidly completed. Sierra Leone's legal system is heavily overburdened and lacks resources, especially in trained personnel. This results in an average delay of 2 years before a case actually comes to trial. Additionally, often the official records of court proceedings are handwritten notes taken by the judges. This practice limits lawyers' access to written documentation and puts in question the impartiality of the official record.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not generally interfere with the rights of privacy and family, and legal safeguards against arbitrary invasion of the home are usually observed. In security cases, however, the Government has the authority to enter homes without a search warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of speech is legally guaranteed, the Government can abridge this right under the Constitution if the security of the State is considered at issue. Debate in the APC-controlled Parliament is often lively, and some "backbenchers" have gained prominence through their interventions criticizing government policy. In practice, the Government generally tolerates some public criticism by citizens and academics. Harsh direct criticism of the President and other senior officials and of the one-party system is rare. Opposition groups based in Western Europe or the United States occasionally circulate critical materials in Sierra Leone but must do so clandestinely.

There is a lively, privately owned press. Of 12 active newspapers, only 2 are considered government controlled. However, the press is subject to government restrictions. Mindful of latent government power, journalists customarily exercise self-censorship and avoid publishing articles personally attacking the Head of State. The Newspaper Registration Act of 1983 in particular gives the Government extensive authority over the press. It specifies qualification standards for editors and sets a fee for registration of newspapers. That Act was used for the first time in late April when five newspapers were closed for failing to register. There were allegations that the closings were in fact due to criticisms in the newspapers of the Minister of Information. The Government denied the charges and allowed the newspapers to resume publication by late May. In a subsequent speech, the President strongly defended the

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right of a free press without qualification, but there was no indication by year's end that the parameters of acceptable press commentary had been widened appreciably.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and permits the formation of trade unions and other economic, social, or professional associations. These rights, however, are limited in practice, most significantly in the political sphere. Permits must be obtained from the police for public meetings and demonstrations, and in general public demonstrations are not allowed. The Government banned in 1987 a once active student union at the principal university and continued the ban in 1989 despite student requests to rescind it. Groups of citizens can and do make orderly representations to the Government on policy issues and are not subject to reprisals.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

A tradition of religious tolerance is practiced in Sierra Leone. Muslims, the largest religious group, Christians, adherents of other faiths, and animists practice their beliefs freely and publish and distribute religious documents without government interference. The hajj is an annual occurrence in which a wide cross section of Sierra Leoneans participate; it is partially subsidized by the Government. Employment within the civil service and appointments at high political levels do not appear to be religiously biased. There appears to be no favored religion under the country's one-party system. President Momoh, who is Christian, has Muslims as his chief adviser, Foreign Minister, and Chief of the Armed Forces.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The only official control on travel within the country has been in the diamond-mining areas where restrictions are intended to control smuggling. There are no official regulations restricting foreign travel, but government-decreed limitations on the amount of foreign exchange a person may take out of the country could have this effect if enforced, which generally is not the case.

Sierra Leone, a party to the U.N. Convention and Protocol Relating to the Status of Refugees, is host to approximately 100 refugees. A number of Namibian refugees were voluntarily repatriated in early 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change the government through democratic means. The Constitution proclaims Sierra Leone a one-party state (the All People's Congress or APC), and no other parties are legally permitted. Since independence in 1961, the clear trend in political development has been to increase executive power and decrease constitutional checks on that power.

Parliament has 116 seats: 97 popularly elected, 12 paramount chiefs elected by traditional councils, and 7 members

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appointed by the President. Candidates for Parliament, which is largely an advisory body, are chosen in each constituency by the party's local executive committee, which may select up to five candidates from a list of multiple party candidates. However, the Central Committee of the APC can override the nomination of any candidate if it chooses to do so. Parliamentary elections are held every 5 years by universal adult suffrage. Party leaders contend that dissent and strong challenges exist within the single party and that local party members have some influence in the designation of parliamentary candidates.

In addition to the national political system, a traditional system of local government operates in the provinces. Paramount chiefs are elected for life by the members of the local Chiefdom Councils, and they wield considerable authority in local affairs and in resolving local civil disputes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally has taken a positive attitude toward international and nongovernmental groups involved in monitoring human rights violations. In response to the 1987 AI report, President Momoh convened a special Commission of Inquiry to investigate possible human rights violations in the prisons. Additionally, an AI representative attended part of the 1987 treason trial.

The Government has not interfered with the activities of the Sierra Leone Bar Association's Society for the Preservation of Human Rights. This active human rights group, founded in 1985, is supported by a wide cross section of educated citizens. The Society won its first major court case in 1986, obtaining the acquittal of persons arrested for demonstrating peacefully. Since then the Society has obtained the release of several persons who were detained without judicial review.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no officially sanctioned discrimination on the basis of sex, religion, language, or social status. Although allegations have been made of favoritism in political appointments and the military based on ethnic origin, ethnic participation in public and private service appears to be broadly based and well-integrated. However, citizens of non-African descent do face political restrictions, e.g., citizens of Lebanese origin may hold Sierra Leonean passports but cannot hold membership in the APC.

Women in Sierra Leone are guaranteed equal rights by the Constitution, but their status varies widely in different parts of the country and depends heavily upon the cultural values and traditions of their ethnic group. These values affect women's access to education. In most rural areas, women are farmers.

Violence against women, especially wife beating, is widespread and is accepted among the more traditional elements of society. The police are unlikely to intervene except in cases of severe injury or death. The Government has never addressed this issue specifically. Few cases of violence against women

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ever come to the courts. Female genital mutilation (circumcision) is widely practiced and is allowed by law.

Section 6 Worker Rights

a. The Right of Association

The right of association is provided for in the Constitution and workers have the right to join trade unions of their own choosing. Unions are independent of the ruling APC party, but they must join the single trade union confederation, the Sierra Leone Labor Congress (SLLC). Under the Trade Union Act any five persons can form a trade union by applying to the Registrar of Trade Unions which has statutory powers under the Act. If the Registrar rejects an application, the applicants can appeal against the decision in the ordinary courts. Since wage negotiation is industry-wide, the Sierra Leone Labor Congress is endeavoring to organize unions according to industry and not the trade of workers. At present, there can be as many as six trade unions in one industry. In recent years, the unions have organized more workers, especially among lower wage earners. They have been less successful in organizing workers in the agricultural and mining sectors. Approximately 60 percent of the working population in urban areas is now unionized.

Unions have the right to strike in Sierra Leone. During 1989 workers staged several strikes, mainly against the Government to protest salary problems. In the case of striking hospital workers and teachers, the Government eventually paid overdue salaries.

Sierra Leone has ratified the International Labor Organization (ILO) Convention on Freedom of Association and Protection of the Right to Organize. Unions maintain affiliation with the International Confederation of Free Trade Unions and the Communist-controlled World Federation of Trade Unions. There are no legal restrictions on regional, national, or international affiliation or on international travel and contacts.

b. The Right to Organize and Bargain Collectively

The law prohibits any discrimination against union members. Complaints of discrimination against unions are made to the Industrial Court for Arbitration. Individual trade unions investigate alleged violations of work conditions and ensure that employers take necessary steps to correct abuses. In 1989 one issue between unions and employers concerned the use of temporary workers but the SLLC did not make a formal complaint.

The legal framework for collective bargaining is the Regulation of Wages and Industrial Relations Act. Collective bargaining must take place in trade group negotiating councils each of which is comprised of an equal number of employees and workers representatives. Most enterprises are covered by collective bargaining agreements on wage and working conditions. The SLLC provides assistance to unions in negotiation preparation. It is basically a bilateral negotiation, and the Government only intervenes in case of a deadlock.

Labor legislation is applied uniformly throughout the country.

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c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and is not practiced. Since 1964 the ILO Committee of Experts (COE) has asked the Government to repeal or amend a section of the Chiefdom Councils Act under which compulsory labor may be imposed. The Government has indicated that the pertinent section of the Act is not enforceable, but it has not yet replied to COE requests for an official declaration to that effect.

d. Minimum Age for Employment of Children

The minimum age for employment of children is officially 18 years, but in practice, there is no minimum age. In the interior of the country, children at early ages work seasonally on subsistence family farms. Because the adult unemployment rate is as high as 60 percent, there are few children involved in the industrial sector. However, children often engage in street trading, and some children work with small fishing groups.

e. Acceptable Conditions of Work

Currently, there is no legislated minimum wage. In 1987 the Constance Davis Commission recommended the establishment of a minimum wage and social security program, but to date, the Government has not passed implementing legislation. The standard legal workweek is 38 hours (8 hours on Monday through Thursday and 6 hours on Friday). There is no limit on overtime. The rate of overtime pay for public holidays is 2.5 times the basic rate. For other days the overtime rate is double the normal rate of pay.

Within the Ministry of Labor there is a moribund Health and Safety Division. Health and safety regulations are included in collective bargaining agreements negotiated by the trade unions. However, there is no evidence of systemic enforcement of these safety standards. Trade unions provide the only protection for workers who file complaints about hazardous working conditions. Initially, the unions make a formal complaint to the Ministry of Labor. When this fails, the unions can issue a 21 day strike notice. As a last resort the unions can strike to achieve their demands.

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Somalia is a one-party state ruled since 1969 by President Mohamed Siad Barre. He presides over the Somali Revolutionary Socialist Party (SRSP), the sole legal political party, and the Government through the presidentially appointed Council of Ministers. The President's clan, the Marehan, holds key positions, e.g., the President's eldest son, Abdurahman Mohamed Siad "Maslah", is Commander of the Armed Forces. A National People's Assembly, last elected on a single slate in 1984, is subordinate to the executive. Civil conflict continued during 1989, with an outbreak of rioting in the capital, Mogadishu, followed by official reprisals. Troops mutinied in the southern, central, and northern regions, and political ferment intensified.

The Somali Armed Forces (SAF) number over 35,000 troops. Internal security responsibilities, including for coping with the civil conflict, are shared by the National Army, the military police (MP), the Defense Intelligence Security Agency ("Hangaash"), the National Police, and the National Security Service (NSS). During 1989 army combat units and military police resorted to attacks on civilian villages, roundups, and summary executions as means of combating the antiregime Somali National Movement (SNM), other dissident groups, and rioters. Reformist groups made efforts during 1989 to curb the security services' arbitrary powers of detention, but were only partially successful.

Clans continued their age-old competition for waterholes and grazing lands, and at the national level the governing elite, based on the Marehan subclan, struggled with other clans for control of the country's few resources. Most of Somalia's estimated 8 million people manage a bare subsistence as herdsmen or farmers. The modern sector of the agricultural economy consists mainly of banana plantations located in the south. The chief exports are livestock and bananas. Mogadishu now has a population exceeding 1.5 million, many of whom are unemployed migrants from the countryside. Increasingly straitened conditions in the capital contributed to an increase in crime and to the potential for civil disorder, while life in the north has been severely disrupted by the civil conflict.

Despite some limited progress in the first half of the year, human rights in Somalia suffered sharp setbacks during 1989. A State Department-sponsored study (the Gersony report) documented massive human rights violations, committed by both government and, to a lesser extent, SNM forces in the 1988-89 fighting; the SAF murdered at least 5,000 unarmed civilians between May 1988 and March 1989. In the first half of 1989, the Government did release most political prisoners, including those whose cases had been publicized in the West, and strengthened the constitutional prohibition against arbitrary detention. However, on July 9, an unknown gunman shot and killed the Roman Catholic Bishop of Mogadishu. The Government detained for investigation several prominent Islamic leaders and other critics. On July 14, rioting broke out in Mogadishu as a result of the detentions, and several police officers were killed. The police and MP's responded to the killings by firing on the crowds. At least 100 people were killed and hundreds more injured in fighting throughout the city. (One human rights group claims 450 were killed.) On subsequent days and nights military units detained about 2,000 people, searched and looted houses, assaulted and sometimes shot

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people in their homes, and summarily executed at least 46 young men, mainly Isaaks, at a nearby beach. In response to the growing political discontent, the President announced that multiple political parties would be allowed to organize and to contest elections to a new People's Assembly within 16 months. He offered to negotiate with dissident organizations, but his initial attempts had been rebuffed at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

During 1989 extrajudicial killing was employed as a method of warfare in Somalia's civil conflict. Government forces were the worst though not the only offenders. While some incidents could be attributed to poor leadership and training, the pattern of raids on civilian villages, reprisal killings, and summary executions suggested that extrajudicial killing had official sanction (see Section 1.g., for details). Following the extensive July disorders and killings, the President formed an investigating committee, but at the end of 1989 the committee had not released its findings, and the Government had not brought those responsible to justice. There have been persistent reports that the perpetrators were members of the Marehan subclan (Rer Koshin) to which the President and his family belong.

b. Disappearance

Disappearances continued to occur in Somalia during 1989. They were hard to distinguish from arbitrary arrests and detentions (see Section 1.d.) and extrajudicial killings, because these are not acknowledged by the authorities. For example, an interpreter employed by the U.S. Office of Military Cooperation has been missing since July 17 and is presumed to have been among the victims of the shootings at the beach.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Article 27 of the Constitution. Senior government officials repeatedly deny that it is practiced as a government policy and, in fact, instances of torture appeared to decrease in response to a governmental reform effort and international pressure. Some recently released short-term detainees complained, however, that they were subjected to forms of torture such as the "Mig," in which their hands and feet were tied together behind their backs with a rope, which was pulled tight so that the body was arched backwards, to resemble the swept-back wings of a Mig aircraft. The Canadian Centre for Victims of Torture continued to report seeing torture victims from Somalia.

Harsh prison conditions do not provide sanitation, adequate water, or medical care. Prisoners receive the absolute minimum of food necessary for survival because it is customary for food to be supplied from outside by their families. Amnesty International (AI) stated that the conditions at the maximum security prisons of Lanta Bur and Labatan Jirow, where political prisoners are often held incommunicado, were particularly life-threatening.

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Mistreatment of detainees sometimes results from negligence. In October, for example, at least 11 youths died of suffocation and dozens of others were hospitalized after police locked them in a steel shipping container. The authorities arrested the police official allegedly responsible for this incident.

d. Arbitrary Arrest, Detention, or Exile

Although Article 26 of the Constitution accords citizens the right to be formally charged and to receive a speedy trial, the Criminal Code was modified in 1970 to exempt crimes involving national security from time limits and rules of procedure. The Government has repeatedly shown an exceptionally broad interpretation of what constitutes national security and has used its powers in an arbitrary manner to detain, often incommunicado, suspected political opponents or critics. In the first half of 1989, in response to growing criticism of such abuses, the Government revised Article 26 of the Constitution to limit arbitrary detention. As a result, the security services in the early months of 1989 detained fewer persons and usually released them if evidence against them was lacking. (Normally, the National Security Court--see Section 1.e.--gives investigators a fixed time limit, with necessary extensions, to complete an investigation.)

Following the disturbances in July, however, mass detentions were resumed under a presidential decree (as provided for in Articles 82 and 83 of the Constitution) imposing emergency rule throughout the country. Many detentions seemed to have only an incidental investigative purpose, the main aim being to frighten possible opponents of the regime and silence criticism. Most of the detainees were released after a few weeks in military camps.

Prominent Somalis arrested in the investigation of the Bishop's assassination in July included the lawyer Dr. Ismail Jimale Ossoble, chief counsel for the defense in the February 1988 national security trial; Abdulkadir Aden Abdulle Osman, son of Somalia's first president; Sheikh Abdirahman Sheikh Ali Sufi, a senior religious leader; and three other imams. Dr. Jimale Ossoble and Mr. Osman were released in October 1989. The sheiks remained in detention at the end of the year. Also under detention were former cabinet ministers Aden Nur and Ba'adleh, who were arrested in July.

The number of detainees is difficult to estimate because the Government does not disclose such information, detainees are often held incommunicado, and at least 9 entities (National Police, NSS, Hangaash, military police, SRSP, the militia, the Custodial Corps, regional governors, and district commissioners) have the power to detain. The number probably fluctuated considerably during 1989, as the Government first released most detainees, then arrested about 2,000 people in July, and then released most of them after a few weeks. In conjunction with the October 21 national day celebrations, the President amnestied over 1,160 detainees and prisoners. Most of these detainees had been held on criminal charges, but some may have been detained for minor political offenses such as making "tribalistic" remarks.

The Somali security forces also practice the taking of hostages in interclan conflicts. In disputes between rival clans, the Government may order the arrest of senior members

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of both clans in order to compel an end to the violence. The most recent example of this practice occurred in June when a minority Darod clan began attacking members of the Hawiya clan in and around Mogadishu. The Government arrested members of both clans and dictated peace terms between the parties; when peace was assured the hostages were released.

The Government does not practice exile as a means of political control. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Somali judicial system includes civil and criminal courts, and a separate National Security Court. Lawyers are permitted to represent suspects before the National Security Court, but proceedings are usually held in camera. Although nominally independent, the judiciary is in fact not distinguishable from the executive, which reviews and controls judicial decisions. All judges in the Supreme Court and lower courts are appointed by the President with the advice of the higher judicial council, of which the President is chairman. Judges of the National Security Court generally are military officers posted to the Court.

Law No. 54 of 1970 provides the death penalty for political offenses "against national security," defined as behavior "which may be considered prejudicial to the maintenance of peace, order and good government." Among the 20 offenses punishable by death are "organizing a subversive association" (Article 3), "exploiting religion for creating national disunity" (Article 12), and "publishing antistate propaganda" (Article 18).

In the civil and criminal courts, legal assistance is provided, and there are established rules of evidence. There are no religious courts in Somalia. In civil proceedings relating to family matters, such as marriage and inheritance, the judge may cite prevailing Islamic Shari'a law in rendering decisions. The right to appeal exists in criminal and civil cases but not in cases heard by the National Security Court. For persons convicted by the National Security Court, the only avenue for clemency is through the Politburo of the SRSP.

Only one trial before the National Security Court received publicity in 1989. This was the November conviction and sentencing to death of five persons accused of embezzling funds from the Commercial and Savings Bank. These were the first death sentences announced in Somalia in over a year. It appeared that some of those convicted were still at large. At year's end none of the death sentences had been carried out. By midyear most political prisoners had been released. Most of the thousands of persons detained in July were also released. Few if any detainees were tried and convicted of political offenses.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Under the umbrella of the National Security Act, the security forces routinely search the homes of citizens for weapons and printed material critical of the Government. These searches are carried out without a warrant or the consent of the searched. No probable cause is required (see Section 1.g.). The telephone conversations and mail of suspected persons are

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monitored, and anyone in the country suspected of political activity is subject to surveillance.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

About 500,000 people fled the outbreak of fighting in northern Somalia in 1988. A U.S. Government-sponsored 1989 study (the Gersony Report), based on 300 interviews with displaced persons and refugees (many of them eyewitnesses to killings), "conservatively estimated that at least 5,000 unarmed civilians were purposefully murdered by the SAF between May 1988 and March 1989," when the civilians no longer represented a threat to the Somali Armed Forces (SAF) forces. The study also found that the SNM combatants killed hundreds of unarmed civilians in similar indiscriminate fashion. Further, the study found that both sides systematically engaged in grave violations of the internationally protected status of Ethiopian refugees in the refugee camps administered by the United Nations in the area. The Government forcibly conscripted Ethiopian refugees from the camps into the SAF after May 1988. The SNM conducted systematic violent attacks against these camps, killing 400 or more refugees in the process (see also Section 2.d.).

Some of these abuses, apparently sanctioned by the opposing leaderships, were consistent with traditional patterns of clan warfare in an arid land. One of the basic tactics of Somali army forces, for example, was to control the waterholes and deny their use to the SNM. The SNM similarly prevented the Government from repairing the pumping station which once supplied water to Hargeisa. When combating rebels, mutineers, and bandits in the central regions of the country, Somali troops took reprisals against certain villages by driving off livestock and burning houses.

Documented incidents included:

SNM members of the Isaak clan, in fighting around the northern town of Erigavo in March, killed a number of unresisting civilians. Progovernment militias then drove the SNM out of Erigavo and killed about 200 Isaak civilian inhabitants of the town.

Marehan soldiers carried out reprisal killings of about 30 Isaak civilians after a landmine explosion on the Burao-Berbera road in May.

Reacting to rioting in Mogadishu on July 14, military police fired into crowds, killing bystanders as well as rioters. Some innocent persons were killed in their homes by stray rounds. During searches of Mogadishu neighborhoods on subsequent nights, security forces looted houses and assaulted--and occasionally shot--their inhabitants.

In retaliation for the killing of some of their comrades in the July 14 riots, members of the Armed Forces abducted 47 Somali men, took them to an isolated section of beach, and shot them. Reports from witnesses and one survivor indicate that the targets of this execution were members of the Isaak clan, randomly selected and identified by their accents.

In late September, when government forces attacked rebels of the Ogadeni clan near the Kenyan border, troops overran the village of Dobli and killed many of the inhabitants.

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In November, when government forces attacked several villages near Galkayo in central Somalia in reprisal for a mutiny there, troops reportedly killed a number of civilians outside of immediate combat zones.

There have been other unverified reports of summary executions of rebels in the northern and southwestern regions of the country and of massacres committed by SNM fighters against non-Isaak villages in the north.

The situation remained volatile at the end of 1989. According to the Gersony report, the Government has armed clan-based civilian militias which are not under the effective command of either the SAF or clan elders. These militias were an additional element of continuing instability and lawlessness. Information is lacking on the fate of prisoners taken in Somalia's civil conflict. In general, it seemed that few prisoners were taken. Rebel forces welcomed deserters from government ranks.

Section 2 Respect for Civil Liberties

a. Freedom of Speech and Press

Although freedom of speech is guaranteed by the Constitution, that right continued to be severely abridged in practice. NSS informants frequented public places listening for expressions of antigovernment sentiment; persons were sometimes held responsible for opinions expressed in personal conversations as well as in public forums.

The Government continued to own and operate the radio and television as well as the country's six newspapers. No publications other than those authorized by the Government were legally distributed, and possession of unauthorized newspapers and journals has brought prison sentences of from 5 to 15 years. All printed, taped, and filmed material entering Somalia must be approved by the National Censorship Board. The material is checked for "obscene" as well as politically objectionable content. Academic freedom was not permitted; a Somali law professor with an evident interest in the local human rights situation was detained for several months in 1988 and 1989.

Information on the situation in Somalia was difficult to obtain because throughout the first half of 1989 the Government refused to issue visas to foreign journalists. Several European journalists were permitted to enter the country in the latter part of 1989. An American journalist arrived in Mogadishu in December for a 1-week visit.

b. Freedom of Peaceful Assembly and Association

Although politics is a common topic at informal gatherings of Somalis, and although Article 24 of the Constitution guarantees the right to participate in or organize an assembly or demonstration, in practice the Government only permitted meetings which it sponsored to advance government purposes. Political protest meetings were not permitted.

Freedom of association, though not specifically mentioned, is implicitly provided for in the Constitution, which entitles every citizen to participate fully in political, economic, social, and cultural activities. In practice, however, there was no freedom of association in Somalia in 1989. Having a

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business relationship with a person under suspicion was enough to attract the attention of the security services. In March a restaurant owner was detained by the NSS when his restaurant was host to a party for former political prisoners. The only organizations allowed to exist are those approved by the Government and the SRSP.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the state religion and nearly 100 percent of the population is Muslim, predominantly of the Sunni sect. The Constitution states, however, that every person shall be entitled to profess any religion or creed. In practice this means that members of religions other than Islam may practice their faiths but may not proselytize. Mogadishu has a Roman Catholic community numbering about 2,000, which was established during the period of Italian colonial rule. Both Protestant and Catholic houses of worship operate openly. No other religious group has significant representation in Somalia. Christian charitable organizations operate in Somalia but confine their activities to technical assistance.

There is no evidence that the July 9 killing of the Catholic Bishop of Mogadishu was religiously motivated. Nevertheless, the assassination inflamed Muslim-Christian relations. Tension between the communities increased in the first half of 1989, as a revivalist spirit spread within the Muslim community, and some imams accused Christians of proselytizing. During the July disturbances in Mogadishu, there was some violence against Protestant medical missionaries and other persons perceived to be Christians.

Many in the Muslim community attribute Somalia's difficulties to lax observance of Islam. Such views, in addition to raising popular anxiety over Christian proselytizing, also tend to set the Islamic community in opposition to the Government, which has secular roots and a long history of antagonism toward religious leaders. The Government is sensitive to this trend, because it threatens to unite disparate opposition groups under the banner of Islam. Therefore, since 1985 the Government has licensed all mosques and Koranic schools, and since 1986 it has approved all imams and paid them a salary. Tensions between the Government and the Islamic community came to the fore in July, following the Catholic Bishop's assassination. In the investigation of that crime, security forces detained several outspoken imams. These acts provoked more antigovernment criticism within the mosques. The police, alerted to expect trouble on Friday, July 14, ringed the mosques, entered some, attempted to prevent antigovernment sermons, and tried to arrest additional imams. Widespread rioting and many deaths ensued.

Ethiopian Christian refugees sometimes claim that they face persecution in Somalia, but apparently that persecution is based more on nationality than religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Police and military checkpoints control travel between towns, in border areas, and in areas of interclan violence. There is, however, no requirement to report residence to the police

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or other government authority. Many Somalis are nomads, and the nomadic tradition remains strong. Travel within Somalia is a freely practiced right. In general, there are no restrictions on international travel for those who can afford it. Passports are available to all citizens and to ethnic Somalis who reside abroad; they generally are not denied on political grounds.

However, the Government restricted the travel of some former detainees and political prisoners by denying them passports or stopping them at the airport. Former political prisoners Suleiman Nuh Ali and Abdi Ismail Yunis were prevented from attending the Muslim pilgrimage. Their passports were confiscated when they tried to depart Somalia at Mogadishu airport. At the end of 1989 their passports had not been returned.

Somalis who have emigrated are generally permitted to return; in 1989 President Siad repeatedly promised amnesty to antigovernment Somalis returning from foreign countries. Nevertheless, based on the experience of previous years, some Somalis remained abroad because they feared possible imprisonment for opposition activity if they returned.

There have been massive displacements of persons as a result of the civil conflict. Many persons have fled to Mogadishu where the population has swollen to over 1.5 million. The Isaak population of northern Somalia has been driven into remote rural areas, and many hundreds of thousands are living in exile in Ethiopia and Djibouti, and fewer in Kenya. Within Hargeisa, about 90 percent of the Isaak homes, businesses, and property have been destroyed or severely damaged. The economic life of northern Somalia has been profoundly disrupted. At the end of 1989, the best estimates indicated that there were 324,000 displaced persons and refugees from Somalia (mainly Isaaks) in Ethiopia and 30,000 in Djibouti.

The Government reports that there are 837,000 Ethiopian refugees in Somalia, but outside observers, including from the United Nations, indicated that about half that number remained in refugee camps at the end of 1989. Conscription of refugees into the Somali army continued in 1989, in violation of international covenants. Spontaneous repatriation of refugees to Ethiopia continued throughout the year, and tripartite negotiations involving Somalia, Ethiopia, and the United Nations High Commissioner for Refugees (UNHCR) made progress on arrangements for officially sponsored voluntary repatriation. In addition to the UNHCR, the International Committee of the Red Cross (ICRC) agreed to participate.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have neither the legal right nor the ability peacefully to change their government or the form of their government. The SRSP is the only legal party; opposition groups and criticism of the Government are illegal. However, in August President Siad Barre announced that multiple political parties would be allowed to contest elections to a new People's Assembly by the end of 1990. In November a committee of lawyers began drafting proposed changes in the Constitution that would remove the SRSP from its leading role in state and society, permit the operation of multiple parties, and allow operation of a free press and other institutions of an open society. At the end of 1989 no

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practical steps had been taken to implement these proposals. In the present governmental structure, the National People's Assembly has very limited powers.

For many Somalis the traditional clan system is the accepted vehicle of political expression. President Siad Barre and other officials consult frequently with clan elders. Since 1982, however, President Siad has been widely perceived as relying on and furthering the interests of his family and his Marehan subclan by playing off other clans against one another. This reliance on the Marehan accelerated in 1989, as the President appointed his son as head of the Armed Forces, another family member as Chief of Police, and Marehan officers as commanders of most military units.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During the first half of 1989, the Government showed a willingness to cooperate with international and other human rights organizations. A visit by Amnesty International, proposed by President Siad in 1988, took place from June 24 to July 2. Officials arranged the meetings requested by the two-man delegation, including with former political prisoners, Prime Minister Samantar, and President Siad. However, a week after the AI delegation's departure, the Bishop of Mogadishu was killed and civil unrest and summary executions followed; and AI has not been invited to return.

The Government has continued cooperation with the ICRC, which is now operating an emergency hospital in Berbera and making preparations to aid in refugee repatriation.

Although there are no human rights organizations as such in Somalia, the Association of Somali Lawyers concerns itself with human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Because Somalia is racially homogeneous, there is little racial discrimination as such. Animosities and rivalries based on bloodline and clan affiliation, however, are a fundamental problem at the root of the country's continuing civil conflict. Many persons have capitalized on their clan and family affiliations to gain economic advantage or privilege. The clan differences also have a north versus south aspect. Members of the Isaak clan, who form the bulk of SNM supporters, are increasingly discriminated against because most of them are perceived as opponents of the Government. Although not all Isaaks are persecuted, a disproportionate number of political detainees and victims of extrajudicial executions (e.g., almost all of the 46 in Mogadishu in July) were of that clan.

By tradition Somali women suffer discrimination in education, work, and family matters. Female enrollments in school remain far below those for males at all levels of education for traditional and cultural reasons. The payment of dowry and bride wealth are common marriage customs. Divorce laws and practices strongly favor the male partner.

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The Siad Barre Government has historically supported women's rights. In the face of conservative opposition, it rewrote laws to increase women's rights to inherit and own property, made women the legal equals of men, and perhaps most importantly it outlawed female circumcision. The Government's campaign against female circumcision, led by the Somali Women's Democratic Organization of the SRSP, continued to make progress in 1989. Although the practice remained common, especially in rural areas, pharaonic circumcisions (the most extreme and dangerous form of female genital mutilation) became less common.

Domestic violence against women is not a significant social problem in Somalia. There are several interlocking cultural and economic reasons why such practices as wife beating are relatively uncommon. One is that Somalis, being Muslims, do not generally drink alcohol. A second reason is that Somali marriages are contractual, with the wife's relatives prepared to enforce the agreement that she will be treated with dignity. Wife beating carries a stigma which makes it difficult for divorced wife beating males to remarry. Finally economic conditions, which have made it increasingly difficult for men to have more than one or at most two wives, also tend to curtail violence against women. (A veteran police officer, asked whether wife beating was a problem, said that in the days before independence it was common for men to have three or four wives and to treat the less favored of them as beasts of burden, beating the ones who faltered or were lazy. He said that young men of the present generation cannot afford more than one wife, and therefore they are constrained to treat her with respect.)

The civil conflict has, however, had a profoundly negative impact, and it appears that rape by government forces and others has occurred fairly often.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to form independent unions. There is a single labor confederation, the government-controlled General Federation of Somali Trade Unions (GFSTU), is run by government-appointed officials. The GFSTU's main function is to monitor the work force and provide a conduit for worker grievances. The GFSTU is a member of the Organization of African Trade Union Unity and the International Confederation of Arab Trade Unions. Somalia has been a member of the International Labor Organization (ILO) since 1960, but has ratified neither ILO Convention 87 regarding freedom of association nor Convention 98 on collective bargaining.

Strikes are outlawed, and organizing a strike is legally punishable by death. Nevertheless, there was a short transportation strike in 1987, and strikes by quarry workers in 1989. The Government took no action against the striking workers.

b. The Right to Organize and Bargain Collectively

The right to organize does not appear to be infringed by employers. Because the GFSTU speaks for the Government, its dealings with employers on wages, hours, and working

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conditions tend to resemble binding arbitration rather than collective bargaining. Some negotiation between employers and employees goes on outside the union framework. Given the official status of the GFSTU, antiunion discrimination appears to be a moot question. Labor courts adjudicate employer-employee disputes with relative impartiality. There are no export processing zones in Somalia.

c. Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, but the Government and party occasionally organize campaigns of "voluntary labor" to clean streets or boost production of state-owned factories.

d. Minimum Age for Employment of Children

The minimum age for the employment of children is 15, and persons under 18 are not permitted to work at night or in certain hazardous occupations. The law imposing the requirements, however, is not effectively implemented, and there is considerable child labor on the margins of the wage economy. Children sell cigarettes on the street, carry bags in the market, and wash and clean cars to support themselves and to supplement family incomes.

e. Acceptable Conditions of Work

Somalia has comprehensive labor legislation setting minimum safety and health standards for the workplace. These are applicable to the small, modern wage sector of an economy that is predominantly pastoral and agricultural and are not normally enforced. In theory the workday is 8 hours per day, 6 days per week, with limits on overtime hours. There is no legal minimum wage. Workers are entitled to paid holidays, annual leave, holiday bonuses, and a variety of fringe benefits. In reality, however, the salary scale is extremely low, especially in the public sector. The average salary of a civil servant is equivalent to about \$10 per month and is not adequate to maintain a decent standard of living. Productivity in the public sector is correspondingly low, and many civil servants make only minimal appearances in their offices. Workers resort to second jobs, corruption, assistance from other family members, and remittances from abroad to support themselves and their families.

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Despite encouraging moves by the South African Government since the September elections, the main legislative pillars of apartheid remained in place in 1989. South Africa's laws codify the doctrine of apartheid, which prescribes the basic rights and obligations of people according to their racial or ethnic origin. The country's black majority (74.7 percent of its population) suffers from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. The "colored" (mixed race) and Asian minorities (8.7 percent and 2.6 percent of the population, respectively) also suffer from extensive racial discrimination, although to a somewhat lesser degree than South Africa's black population. While the Government claims that South Africa is a parliamentary democracy, whites (14 percent of the population) retain a monopoly of political power. Blacks continue to be denied the right to vote in national elections and to be represented in Parliament. A new Constitution in 1984 replaced the previously all-white Parliament with a tricameral one with separate chambers for whites, "coloreds," and Asians. However, whites retain parliamentary control over key affairs, and the executive branch (headed by a State President with extraordinarily strong powers) remains firmly under white control.

Since 1948 the Afrikaner-dominated National Party, presently led by recently elected State President F.W. De Klerk, has developed the complex legislation and institutions comprising the apartheid system. Central to the policy of separate, racially based political institutions was the creation, beginning in the 1950's, of 10 "homelands" to which blacks were assigned on the basis of ethnic background. These homelands comprise only 13 percent of South Africa's area and are generally fragmented parcels of land in impoverished rural areas. Since 1976 the Government has granted "independence" to four homelands, thereby stripping an estimated 8 million South African blacks of their South African citizenship. South Africa is the only country that has recognized the "independence" of these homelands. Outside the homelands, a growing black urban population of more than 10 million persons lives under apartheid regulations in massive, segregated townships on the periphery of large cities.

In the late 1970's, the South African Government began to introduce piecemeal reforms to ameliorate some aspects of apartheid without threatening continued white control of the nation's key political structures. In 1989 the white electorate again returned the National Party to power (albeit with a distinctly reduced majority due to whites defecting to both the liberal Democratic Party and the Conservative Party) on a platform promising limited reform and dialog with the extraparliamentary opposition.

White control of the Government is backed by a powerful defense and police establishment, especially the South African Defense Force (SADF), with more than 100,000 active duty personnel and nearly 400,000 reservists, and the multiracial South African Police (SAP), with 56,000 members. The SADF has been used to assist the SAP in patrolling the black townships. Through most of the year, the security establishment, including the military, police, and the intelligence services, played a key role in domestic and foreign policymaking through the State Security Council (SSC), a supracabinet body, which includes a small number of

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"civilian" ministers and security chiefs. Under the SSC, the National Security Management System (NSMS) performed administrative functions in the townships through joint management centers (JMC's) and undertook extensive intelligence operations through a network of informers. However, in 1989 State President De Klerk announced a major reconstruction of the security system. Under the new system, the JMC's were replaced by bodies which are managed at the local level, with ultimate accountability to the Cabinet. South African security forces are active in the "independent" homelands, and human rights observers believe elements of the SAP continue to give at least tacit support to conservative black vigilante groups, in both the homelands and the townships. The Government extended on June 9 the state of emergency (SOE) for the fourth consecutive year, which greatly increases state power in many areas, including detentions.

South African's economy features a highly developed industrial sector and extensive agricultural and mineral resources. In 1989 gross domestic product growth fell below 2 percent. Sanctions and lack of confidence in South Africa's situation on the part of foreign investors also restrict the potential for economic growth. Since the mid-1970's, black unemployment levels have increased significantly, and per capita income among blacks has stagnated. Local economists estimate that an annual real growth rate above 5 percent is necessary for the economy to absorb the roughly 350,000 black entrants to the labor market each year. An even higher rate of growth would be necessary to reduce present black unemployment, which many private observers estimate at 25 to 30 percent, and as high as 50 percent in the homelands. Despite the high level of black unemployment, more than 211,000 migrant workers from the neighboring southern African states were employed in South African mines in 1988. Apartheid laws discriminate against blacks in housing, employment, and education, serving to perpetuate a gross income disparity between whites and blacks.

While the fundamental, highly restrictive human rights situation in South Africa remained unchanged in 1989, government repression of antiapartheid opposition, including nonviolent peaceful protest, eased after the September election of State President De Klerk. He took a series of positive steps which, although not yet accepting full political participation by blacks, included the release of seven African National Congress (ANC) senior leaders and one Pan African Congress (PAC) leader and movement toward dialog with the ANC. In 1989 contact between the exiled ANC and internal political pressure groups became increasingly common. Unofficial meetings also occurred between the ANC and members of the influential Afrikaner Broederbond. Other positive steps included the President's announcements that beaches were now desegregated and that the Separate Amenities Act would be repealed during the 1990 parliamentary session. The President's December meeting with Nelson Mandela, the most senior imprisoned ANC leader, fueled hopes for Mandela's imminent release. Former State President P. W. Botha also met with Mandela shortly before stepping down.

Inkatha, a black organization with 1.7 million members, the majority of which are Zulu, has a wide agenda of political, social, and economic issues. The Chief Minister of the KwaZulu homeland, Mangosuthu Buthelezi, heads the organization. In early 1980, relations soured between the ANC and Buthelezi's movement over strategy and tactics in the antiapartheid effort.

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Black groups continued to resist apartheid in 1989. At the beginning of the year, detainees held under the SOE began a series of nationwide hunger strikes against the questionable reasons for, and unclear duration of, their incarceration. The Government abandoned initial efforts to break their strike and released, with serious restrictions in many cases, approximately 800 detainees between February and April, according to statistics released by the Minister of Law and Order.

In early August the Mass Democratic Movement (MDM)--a coalition made up of leaders from banned antiapartheid organizations such as the United Democratic Front (UDF) and the largest black trade union, the Congress of South African Trade Unions (COSATU), which, like the ANC, subscribe to the Freedom Charter--launched a civil disobedience campaign against restrictions, bannings, and petty apartheid. The protests spread throughout South Africa, as individuals and organizations defied their restrictions and demonstrated against a plethora of other apartheid issues--such as press restrictions and the Labor Relations Act. The National Party Government, facing a difficult September election, responded with increased intimidation and a wave of detentions. Key leaders of the peaceful protest movement especially were targeted. Political tensions exploded on the eve of the September 6 national elections. Police used buckshot and tear gas against black and "colored" youths in the Cape Town area. Archbishop Desmond Tutu and other church leaders blamed the police for the 23 (some reports claim as many as 25) resulting deaths, one of the highest, unrest-related death tolls in a single day in South African history. Police vigorously disputed these charges; the new State President called for an investigation. One of the first steps of the De Klerk administration after September 6 was to allow large-scale demonstrations. On September 14, 30,000-35,000 people marched to protest apartheid and police brutality in Cape Town, with similar rallies occurring later in other major cities.

Violence in South Africa is multifaceted--including by black against black--although overall levels seemed below those of 1988. Factional fighting--which cannot be easily explained in tribal or urban versus rural terms--continued in Natal/KwaZulu on an unprecedented scale between Inkatha and UDF/COSATU groups, claiming 593 deaths in the Durban area and 651 in the Pietermaritzburg area in 1989. Violence in Natal seemed to increase as peace initiatives between the two sides faltered in late 1989.

The specter of vigilante (both white and black) and rightwing terrorism grew in 1989, illustrated by the assassination of prominent human rights activist David Webster on May 1. An extremist white group, calling itself the "Wit Wolwe" (White Wolves), claimed responsibility for a spate of attacks on antiapartheid targets. The conflict between the Government and the ANC, on the other hand, quieted considerably as ANC armed attacks inside South Africa diminished markedly.

The Government has used its emergency powers to arrest more than 32,000 people since June 1986. Prior to the parliamentary elections on September 6, SOE detentions increased sharply from 24 on August 20 to 234 by September 4, and human rights organizations' statistics indicate close to 1,600 persons were arrested for defiance campaign activity between August 1 and September 4. By the end of the year, there were 18 persons detained under the SOE, 24 under the

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Internal Security Act (ISA), and an estimated 2,000 to 3,000 serving prison terms for unrest-related offenses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Political violence continued to plague South Africa in 1989. Accurate statistics on the number of deaths related to political violence remained difficult to obtain due to restrictions on reporting unrest incidents. The Government claimed that the level of unrest continued to decline under the SOE. According to the SAP, there had been over 15,000 unrest incidents in the year prior to the proclamation of the first SOE, and about 5,000 a year since the SOE was imposed. Incidents of violence in 1989 remained below 1988 levels. Unrest monitoring groups estimated that at least 846 people died between June 1987 and June 1988, compared to some 695 during the same period a year earlier. Statistics compiled from various media sources indicate 444 died in unrest-related incidents between January and October.

Political violence was worst in Natal. Factional clashes between UDF/COSATU supporters and members of KwaZulu Chief Mangosuthu Buthelezi's Inkatha movement continued with an estimated 1,244 people killed in 1989. Total deaths since September 1987 are 2,300 with thousands wounded and thousands of homes burned and damaged. The violence abated towards the middle of the year, but flared again in late 1989 when peace negotiations between the two groups faltered. Tensions in and around Durban townships rose to new levels as the internecine violence which engulfed the area in 1988 became entrenched. The causes of this violence are many, including the power struggle between Inkatha and the UDF/COSATU; desires for personal revenge; attempts to save family and possessions from harm; frustration over inferior schools and other facilities for blacks; and resentment of police, black and white. Outside Natal, townships remained mostly quiet relative to the 1984-86 period, with the notable exception of violence in Cape Town on September 6, election eve.

There was a marked decline during 1989 in bomb attacks throughout South Africa. However, mysterious killings, attacks, and threats against antiapartheid groups and trade unions increased as the specter of vigilante rightwing terrorism grew. On May 1, lawyer/researcher and antiapartheid activist David Webster was assassinated in Johannesburg. The body of the National Council of Trade Unions (NACTU) East Rand leader Bafana Sigasa was found floating in a dam after he was last seen alive on July 19. In August hand grenades caused extensive damage to the home of well-known Soweto poet Mzwakhe Mbuli, narrowly missing his wife and child. In late August, persons suspected to be rightwing vigilantes firebombed vehicles and shot at homes of Pretoria antiapartheid activists during a peaceful church-sponsored desegregation campaign.

There were no reports of incidents of "necklacing" in 1989. (The victim is executed by a burning tire placed around the neck.) In January members of Mrs. Winnie Mandela's informal bodyguard were implicated in the abduction of four youths. One of the four, 14-year old Stompie Moeketsi, was killed, and

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Mrs. Mandela personally came under criticism over the incident. Police investigations were continuing at year's end.

Two restricted Natal detainees, Chris Ntuli and Eric Gumedé, were assassinated in April and August 1989, shortly after their release from detention. Like a majority of detained antigovernment activists, they were released with harsh restriction orders which forced them to keep predictable routines and physically remain in stipulated areas, making them easy targets for assault and assassination.

Vigilantes, especially in Natal, seem to operate with impunity or tacit official sanction. According to well-placed human rights sources, very few crimes of suspected vigilante origin have been solved by the police. In September Warmbaths activist David Kutu was taken by three men to a nearby dam and beaten. Kutu recognized one of his assailants as a black sergeant in the local police force. The assailants identified themselves as belonging to the White Wolves. In October a former black police officer on death row alleged that he had been part of an SAP hit squad which assassinated a prominent Durban activist in 1984. Another former policeman claimed to be a part of a squad which stabbed to death Griffiths Mxenge, a civil rights lawyer, in Durban in 1981. These allegations, further corroborated by the voluntary statements of at least two other former policemen--including a white former security police captain--seemed to confirm long-held (but never proven) suspicions within antiapartheid circles of death squads operating within the Government. Despite the arrests of at least two suspected death squad members, President De Klerk decided not to call for an independent judicial investigation into the matter, leaving the investigation in the hands of the South African police and prosecutors.

The existence of the White Wolves first came to public view during the trial of Barend Strydom, sentenced to death in May for gunning down eight black persons in a central Pretoria square. Human rights observers express concern that the White Wolves might in fact be composed of rogue elements within the security forces. Also of concern were disclosures of secretive paramilitary components of rightwing extremists organizations such as the Afrikaner Resistance Movement (AWB). Several members of these hate groups were apprehended by South West African police in connection with a fatal attack on a United Nations Transition Assistance Group (UNTAG) office in Namibia.

There was also political violence in the homelands. On July 1, nine Bophuthatswana policemen and two civilians died in the rural village of Leeuwfontein in violence protesting incorporation into the "independent" homeland. Bophuthatswana police, including seconded South African Government security officials, responded with arrests and repression that left the village a virtual ghost town.

Conflict between the ANC and South African security forces abated in 1989 in comparison to the numerous bombings and casualties that occurred in 1988. There were few reports of clashes between government forces and ANC forces, either due to attempted guerrilla infiltration or to cross-border raids by the SADF. Although the ANC has not renounced the armed struggle, it appeared to shift its emphasis from armed confrontation to development of a new diplomatic offensive. However, the ANC external organization appears to have limited control over its operatives once they enter South Africa.

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There were no reports of of any ANC-caused fatalities in 1989. While the ANC in 1989 appeared to be downplaying violent confrontation with Pretoria, PAC spokesmen called for the continuation of the armed struggle. The PAC and other organizations have also been involved in attacks in South Africa. In 1989 the Government sentenced PAC member Vusumuzi Mandoyi to 10 years' imprisonment for a hand grenade attack on police in 1988.

b. Disappearance

There were no known cases of antiapartheid leaders disappearing while in police custody in 1989. However, in recent years many activists have disappeared into police custody for long periods. Some are suspected by friends and associates to have been killed by security forces. South African law and SOE regulations do not require notification of a person's family, lawyer, or any other person in the event of detention, and prohibit the unauthorized publication of the name of any person detained for "the prevention of, or combating of, terroristic activities." The June 1988 disappearance case of Maisha "Stanza" Bopape, a Community Research and Information Center (CRIC) staff member and township activist, remains unsolved. Police claim that Bopape escaped from custody, but his associates fear that he may have been killed. Also unsolved are the cases of Port Elizabeth Black Civic Organization leaders Sipho Hashe, Champion Galela, and Qaqawuli Godolozzi, who disappeared in May 1985.

Following the June 1986 emergency declaration, and in the wake of subsequent crackdowns on various opposition organizations, many black activists left the country surreptitiously or went into hiding to avoid detention. These circumstances further complicated the task of accounting accurately for the many persons who reportedly have disappeared. Government press curbs imposed in December 1986 prohibited news reporting on detention cases and on unresolved litigation concerning detentions without prior government clearance, which rendered the task of accounting for missing persons still more problematic.

Since August 1986, the Minister of Law and Order periodically has tabled lists of SOE detainees in Parliament. These lists included only detainees held for at least 30 days and appeared to be incomplete. Human rights monitoring groups estimated that substantial numbers of detainees have not been named in the Government's lists and maintained that in most cases family members were not informed of emergency detentions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Security legislation, in particular the ISA, allows police generally unsupervised discretion to arrest and detain suspects and to interrogate detainees. People detained under the ISA may receive visits from their attorneys and families only at the discretion of the Commissioner of Police. This permission is often denied. The ISA allows for lengthy periods of incommunicado detention during which authorities are not obliged to present formal charges, a situation which provides considerable potential for police abuse of detainees. Laws exempting law enforcement officials from both criminal and civil liability for so-called good faith acts undertaken in enforcing the SOE have been cited by many observers as giving police a license to engage in abusive conduct.

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During 1989, as in 1988, court testimony and sworn affidavits increasingly documented the claims of lawyers and human rights activists that severe beatings and torture are still used against security detainees. Though the number of incidents overall seem to be declining, torture of detainees in the so-called homelands continued. There were numerous allegations of police assaults and torture during widespread discontent in Venda on the anniversary of "independence." In Bophuthatswana, there were mass detentions following clashes between police and residents of Braaklagte and Leeuwfontein who were resisting forced incorporation into Bophuthatswana. The police used excessive force, including beatings, in containing the situation and confined detainees in overcrowded, unsanitary conditions. The presence of South African security officials "seconded" to these homelands and seemingly connected to these incidents of torture belies government claims of noninvolvement in homeland affairs and these homelands' claims of independence.

Commonly used methods of torture include prolonged solitary confinement and suffocation by placing bags over detainees' heads. Sick or wounded detainees and hunger strikers are sometimes handcuffed to their beds, regardless of their condition and even, on occasion, the presence of armed guards at their bedside. Denial of medical attention has been reported. In one case, a detainee alleged police tortured him by pulling on his thigh, previously shattered by gunshots, for 6 hours before providing medical treatment.

Police brutality increasingly came to light, especially in connection with repression of peaceful antiapartheid demonstrations in the latter half of 1989. Police Lt. Gregory Rockman became a cause celebre by severely criticizing riot police behavior against demonstrators in Mitchells Plain, Cape Region, during preelection unrest. The magistrate hearing a case arising from Lt. Rockman's claims found the riot squad actions "utterly despicable" but acquitted two riot police officers under the immunity accorded to police under the SOE. In connection with Rockman's complaint, a magistrate cleared two riot police officers of police brutality when dispersing a crowd at Mitchells Plain, despite finding police conduct "reprehensible." Police also came under critical public scrutiny in September for their use of stun guns in prisons. To counter the negative image police and security force members have among many South Africans, the Government has initiated in-house investigations of alleged abuses and misconduct, but these have failed to stem public criticism.

d. Arbitrary Arrest, Detention, or Exile

The ISA authorizes detention without trial for varying--in many instances unlimited--periods of time. Under Section 29 of the ISA, the Minister of Law and Order may issue preventive detention orders allowing for detention of up to 180 days in "unrest situations." Access to ISA detainees is severely restricted. Under Section 29, senior police officials have broad powers to detain people for interrogation when offenses such as terrorism, sabotage, or inciting a revolution are suspected. Many people in detention under Section 29 were held for long periods of time without any questioning taking place.

Under the SOE, SADF members and police officers down to the rank of constable are empowered to detain persons for up to 30 days. Police station cells may be used as the place of

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detention for the first 14 days after which detainees must be transferred to cells in prisons unless the Commissioner of Police grants an exception. After 30 days the Minister of Law and Order may extend the detention indefinitely, limited only by the duration of the SOE. Emergency detainees may be denied access to lawyers and have no right to a hearing before the Minister extends the detention.

The Government has effectively used SOE laws to hold political activists in long-term detention without trial, e.g., Obed Madonsela, detained for over 10 months in 1988-89. However, the number of detainees held during 1989, especially under the SOE, declined dramatically. Hunger strikes beginning in January appear to have been a factor in the SAG's decision to release large numbers of SOE detainees. As of late December there were 18 being detained under SOE regulations, 24 detained under the ISA (press reports in September indicated another 470 may be detained in Venda under its own ISA), and about 2,000-3,000 were serving criminal sentences from convictions stemming from incidents of political unrest. There were no children under 18 reported as detained at the end of 1989. The Government's refusal to provide specific statistics or complete lists of those being held made it difficult to confirm the actual number of detainees. Statistics on detentions failed to account fully for what appeared to be a common police tactic of detaining political activists, especially youths, and holding them for a few hours or overnight, during which time they were interrogated, threatened, and sometimes beaten. In addition, many people have been arrested on criminal charges during incidents of political unrest.

The Government imposed restrictions on approximately 65 percent of the detainees released. While the Government appears to have abandoned the practice of formally banning persons under the ISA, effective banning has returned under the guise of SOE "restrictions." Regulations published in 1988 allow the Government to restrict people simply by publishing their names, with no need to serve the orders on the restricted person. SOE regulations promulgated in June prohibit quoting any individual "commonly known" as a spokesperson for a restricted organization, even if that person is not restricted. Restrictions vary greatly but generally prevent ex-detainees from engaging in antigovernment activity. In one extreme example, Baba Dlamini was restricted to his home for 20 hours a day and had to report to a police station twice during the other 4 hours. An estimated 900 former detainees have been restricted upon their release. Prominent restricted antiapartheid activists include UDF Co-President Archie Gumede, UDF Treasurer Azar Cachalia, Azanian People's Organization (AZAPO) national organizer Charles Mabitsela, and UDF activist and lawyer Yunus Mahomed. The Government at the end of 1989 lifted the restriction orders for former political prisoner and ANC leader Govan Mbeki. Restricttees describe life under restrictions as having been released from prison into a larger form of jail, and for some there is the increased, potential danger from assault and assassination by vigilantes (see Section 1.a.).

e. Denial of Fair Public Trial

The South African judiciary is headed by the Appellate Division of the Supreme Court in Bloemfontein and six regional Supreme Courts. All judges of South Africa's higher courts are white, as are the vast majority of its magistrates. They

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are appointed to the bench by the State President. Their service is until age 70, and they cannot be removed from office except by impeachment by Parliament. By tradition, judges of the Appellate Division and the Supreme Courts are appointed to the bench from the ranks of the elite corps of South African Supreme Court practitioners ("Advocates").

South Africa has an adversarial system of criminal justice drawn from a mixed heritage of Roman-Dutch and English jurisprudence. Trials of lesser offenses are heard by magistrates, who are career employees of the civil service in the executive branch. More serious offenses, including capital crimes, are tried in the Supreme Courts. Determinations of guilt or innocence are made by the presiding judge or magistrate. Juries were abolished in 1969. Judges in capital and other serious cases are empowered to appoint two assessors who serve as fact finders and who have the power to overrule the presiding judge on questions of fact but not on questions of law.

Defendants in criminal cases, including political cases, may retain legal counsel, but recent studies showed that 50 percent of those convicted in ordinary criminal cases had no representation. The Natal Supreme Court in July held that legal representation was not vital to the fairness of a trial and that accused persons did not have the right to representation if they could not afford it. In 1989 Lawyers for Human Rights continued a major pro bono project begun in 1988 which aims to have 2,000 participating lawyers donating 5 days a year each, the first large-scale effort of its kind to be undertaken in South Africa. As a matter of practice, courts usually appoint counsel in capital cases where the defendant cannot afford a lawyer.

Persons charged with common crimes are presumed innocent until proven guilty, although Parliament has modified the general presumption of innocence for many security offenses. The ISA effectively places the burden of proof of innocence on the accused for a number of offenses enumerated in the Act. Both security-related and common crimes cases are tried in civilian courts, although security trials are sometimes held in remote locations. Because of case backlogs, postponements, and the practice of hearing cases concurrently, criminal trials, and particularly security cases, can sometimes take months, even years, to complete.

A new Chief Justice of the Appeals Court was appointed in 1988, and fears about the Court's politicization have eased somewhat. However, the power of the South African judiciary at all levels is circumscribed by stringent security legislation and by the principle of parliamentary sovereignty, under which judges possess no authority to alter, strike down, or refuse to enforce properly drafted and enacted laws of Parliament. Nevertheless, the courts have been the focal point for much litigation against human rights abuses. In some instances, the Government has admitted abuses and reached out-of-court settlements.

Since its declaration in June 1986, there have been a number of legal challenges to the SOE and detention without trial. In the initial months, courts ordered a small number of detainees freed and declared some SOE regulations unlawful. But in most cases the Government rewrote and reissued the regulations to prevent further court challenges. Moreover, the courts have consistently stated that the SOE itself was

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lawfully declared. An Appeals Court decision in 1988 held that an emergency regulation could not be invalidated for being "unreasonable" or "vague", a ruling which could severely limit further legal challenges to the SOE.

Long political trials serve to keep prominent activists out of circulation for extended periods of time. Many defendants are eventually acquitted. Partial HRC statistics indicated that there were some 99 trials under the ISA and other statutes in 1988 involving 317 people of whom 165 were acquitted. There were 258 persons facing charges of treason in 8 trials during 1988. Only 2 of those were concluded by the end of 1988, with 4 of 27 defendants convicted for treason--all from the Delmas treason trial. From October 1988 to August 1989, 861 people were charged in 248 political trials, with 350 convicted, 172 acquitted, and 341 with charges withdrawn.

In June, 14 defendants of the "Upington 25" court case were sentenced to death for the murder of a policeman in 1985. Although only one person was found to have actually struck the victim, the others were convicted using the "common purpose" doctrine where a person may be guilty of a crime for sharing a common purpose with those who commit the actual crime. According to the South African Journal of Human Rights (SAJHR), this is one of the largest numbers of simultaneously passed death sentences in South African legal history.

In November 1988, 11 of 22 defendants (including 3 prominent UDF officials) were found guilty in the Delmas Treason Trial--considered the most important political trial in recent times. All the defendants, members of the UDF, AZAPO, and various black civic associations, were convicted for their antiapartheid activity during the 1984-86 upheavals. The court accepted the State's claims that the UDF and other antiapartheid organizations had followed the dictates of the ANC and promoted the violent overthrow of the Government. In an unprecedented move, the presiding judge dismissed one assessor in March 1987 for having signed a UDF petition. In September the Appeals Court decided, in the interest of saving time and expense, to hear an appeal on the procedural issue of the assessor's dismissal, and if necessary, later hear an appeal on substantive grounds. In December the Appeals Court declared a mistrial and ordered the defendants released. As of the end of the year, all the original defendants remained free and unrestricted.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The system of apartheid involves the Government in extensive regulation of social, personal, and family life. A person's identification as a member of an ethnic group or race is based on definitions and decisions of the Government under the Population Registration Act. Under this law, every child born in South Africa must be registered and classified according to race. In cases of dispute, such as when the parents' racial classification is not known, a racial classification board is empowered to weigh pseudoscientific evidence and to issue a verdict on a person's race.

Under apartheid, association in many social settings is not a matter of free choice. The Separate Amenities Act allows public premises to be reserved for the exclusive use of persons of a particular race, and a substantial degree of social segregation, petty apartheid, still legally exists in

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South Africa. In recent years, however, the Government has expanded the scope of administrative exceptions to apartheid laws and has allowed local option decisions on some social apartheid issues such as segregation of business districts and beaches. In 1989 some local authorities, notably in the urban centers of Johannesburg, Cape Town, Port Elizabeth, and East London agreed to scrap segregated public transportation, libraries, and swimming pools. Other areas refused to desegregate. Pretoria's transportation system remained segregated, for example, while the Durban City Council refused to integrate the city's remaining "whites only" beaches until President De Klerk issued an executive decree in December desegregating beaches throughout the country. Some of the localities controlled by Conservative Party groups, such as Boksburg and Carletonville, continued to enforce apartheid regulations which they had reimposed after the October 1988 municipal elections. Carletonville business groups brought a successful court action against the city council forcing them to reopen municipal facilities. "Whites Only" signs were removed in Boksburg, but blacks attempting to use recreational facilities remained subject to intimidation by rightwing groups. The black consumer boycott in Carletonville came to an end after the court decision, and the Boksburg boycott was called off when De Klerk announced he planned to scrap the Separate Amenities Act.

The Group Areas Act (GAA) of 1950 reserves all land in South Africa for whites, except for those areas designated for blacks, Asians, and "coloreds," and requires residential areas to be segregated by race. Blacks are disqualified from owning and occupying land in urban areas not designated for them and from owning land in rural areas outside the 10 homelands, with the minor exception of "black spots"--land owned by blacks or religious missions prior to the enactment of the Land Acts.

Interracial couples must reside in the area designated for the less advantaged racial group, vitiating the benefits of the repeal of the miscegenation laws in 1985. Notwithstanding the GAA, a number of so-called gray areas exist in some major cities, where blacks, "coloreds," and Asians reside in technically white areas, often without government interference. Some private schools in white-designated areas admit black, "colored," and Asian students.

In late 1988 the Government tabled a new group areas statute, the Free Settlement Areas Act, described as "reform" but seen by many as a major step backward. While providing that certain residential areas might eventually be opened to all races, the legislation further restricts rural and periurban squatting, heavily penalizes illegal squatters and their landlords, and allows for compulsory summary eviction of squatters and effective confiscation of their land. Asian and "colored" houses of Parliament called for the outright abolition of the GAA. In 1989 the Minister of Constitutional Affairs suggested the creation of a complicated "nongroup" classification, whereby persons presumably would be allowed to opt out of their current classifications and become part of the "nongroup." The Government was roundly criticized by apartheid opponents for a policy of encouraging people to report to the authorities any neighbors residing in an area not assigned to their racial group.

For black Africans, the right to reside permanently in a segregated black urban township is not available if one is deemed a citizen of one of the so-called independent

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homelands. Such persons are regarded as aliens in white South Africa, and, notwithstanding their birth in South Africa, are technically subject to restrictions similar to those for any foreigner. They must obtain work permits in order to reside in urban areas of "white" South Africa, and if they succeed in obtaining a work permit, they may not be accompanied by their spouses and children. Hundreds of thousands of such persons are forced to reside away from their families in urban areas, often in overcrowded single-sex dormitories.

The Government owns virtually all urban black township property and subsidizes a program of rental housing. Local authorities in the black townships administer the program and collect rents. In 1986 Parliament granted blacks the opportunity to acquire permanent land tenure in the townships. By 1989, however, only an estimated 817 freehold houses had been sold to blacks on a permanent tenure basis--up from 42 sold in 1988. Of nearly 500,000 housing units available for sale, only approximately 2,500 currently are able to be sold because of bureaucratic problems.

Many urban townships without electricity and running water are becoming more crowded as rural poverty drives people to seek jobs in urban centers. In South Africa (excluding the "independent" homelands) an estimated 18 to 20 million people, most of them black, do not have electricity. The Government reports that only 9 of the 259 African townships are fully electrified. The restricted amount of land available in the townships has driven up prices for housing lots and led to corruption among township officials controlling their allocation. Some townships are little more than permanent shanty towns with housing constructed of fiberboard and corrugated iron. The shortage of housing for blacks--which some estimates place as high as 1.8 million units--also has led to the development of large squatter communities. Townships are often extraordinarily long commuting distances from cities, where most employment opportunities are found. A 1985 President's Council's report found that 70 percent of black commuters spent more than 3 hours daily traveling between home and work.

The Black Sash, the most prominent women's antiapartheid organization, estimates that 5 million South African blacks are without adequate shelter. An 8-year Carnegie-sponsored study, based on interviews with 400 South Africans, documented "appalling" depths of South Africa's poverty. Half of all households have incomes below the minimum living level. Infant mortality among blacks is eight times that of whites.

The Land Acts of 1913 and 1936 limit land ownership in rural areas to whites. Blacks are allowed to live in nonhomeland rural areas only with the permission of white landowners; nearly all are farm laborers whose numbers and freedom of movement are regulated by a number of other statutes. The GAA and these statutes are the bases for the Government's practice of "forced removals." For 3 decades, the Government has forcibly relocated black South Africans from land reserved for whites, often to areas in the homelands with hopelessly inadequate infrastructure and insufficient land and water for profitable (or even subsistence) agriculture. The South African Council of Churches (SACC) has estimated that since 1961, the Government has forcibly resettled approximately 3.5 million blacks, "coloreds," and Asians. Government figures issued in 1984 asserted that 2 million blacks had been resettled since 1960.

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In early 1985, the Government announced a suspension of forced removals in favor of a policy of negotiating with affected communities on relocation issues. However, in July 1987, the State President qualified this "no forced removals" pledge, stating that there would be no forced removal "unless it is accompanied with the provision of better living conditions." In some situations, the Government has engaged in effectively coercive removals by refusing to maintain the limited infrastructures of black communities and by engaging in physical threats and aggressive actions aimed at convincing reluctant people to move.

In August a court ruling set aside a 1988 government decree declaring the 60-year-old black community of Oukasie an "emergency camp." The declaration had been seen as the prelude to forced removal of the 6,000-person community to Letlhabile township near Bophuthatswana. The community opposed removal on the suspicion that Letlhabile would eventually be incorporated into Bophuthatswana, stripping its members of their South African citizenship. Vigilantes continue to attack activists opposed to the removal in an effort to coerce them to abandon their village. In December residents of East Peulton were driven from their homes by Ciskeian authorities because of their continued opposition to their community's August 1988 incorporation into Ciskei without their having been consulted. In the first concession of its kind in incorporation cases, the residents were granted the use of land for resettlement (at least temporarily) "inside" South Africa after unsuccessful mediation between South African and Ciskeian authorities.

Studies completed during 1987 indicated that the Government's policy of settling blacks on arid land far from population centers has serious consequences in regard to nutrition. In a malnutrition survey, Operation Hunger reported severe impoverishment among South African rural blacks, particularly in the so-called independent homelands. Malnutrition is also a serious problem in congested and depressed periurban resettlement areas such as Botshabelo, near Bloemfontein.

Various laws give police the authority in specific circumstances to enter homes without a warrant, including situations where an officer has reason to believe a warrant would be issued but that the delay caused by first obtaining the warrant would defeat the purpose of the search. In practice, police often enter and search homes of black activists as a means of intimidation, often in the early morning hours.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While South Africans speak freely on most issues, the SOE and security legislation limit discussion of certain political themes. Segments of South Africa's almost totally white-owned press continued to engage in vigorous criticism of the Government and its policies. However, SOE regulations severely impair freedom of expression and of the press by making reporting of "subversive statements" (e.g., encouraging strikes, boycotts, or the promotion of disinvestment) a criminal offense. The regulations also ban television coverage, still photography, sketching, and radio recording from areas covered by the SOE. Media may not report on police or security force operations in "unrest situations," except as

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information--always limited--is released by the Government. Penalties for infractions include fines of up to \$8,000 and imprisonment for up to 10 years. It is a criminal offense to publish material on political unrest, detention cases, treatment of detainees, and various types of political activity without prior government clearance.

In 1989 the press in South Africa remained under pressure. Regulations published in 1987 streamlined the method by which publications can be censored and gave the Minister of Home Affairs the power to close a publication for up to 3 months without explanation. In February 1989, the Minister exercised this power, closing the periodicals Grass Roots and New Era for 3 months.

Throughout 1989 a variety of regulations were used to charge editors and publications. In May the former editor of the magazine South was charged with contravening the SOE by publishing an article on a school boycott. In June the editor of the newspaper Vrye Weekblad was found guilty of charges brought against him under the ISA and given a 6-month suspended sentence; the same editor late in the year faced six charges under the SOE for publishing an article allegedly undermining the system of military conscription. The editor of Saamstaan was charged in July under the Prisons Act for publishing a photograph of Nelson Mandela (and with seven other charges related to contravening the SOE and the ISA). Also in July, the editor and two former journalists of the Weekly Mail were summoned under the SOE for articles on the conditions and treatment of political detainees. In August the editors of the Sunday Times, New Nation, Sowetan, and Weekly Mail were charged under the ISA for quoting a listed person; Times Media (the publishers of the Sunday Times) received a \$800 fine. The Natal Mercury, Star, Daily News, and Sunday Tribune were informed by the police in September that they were being investigated. In October the editor of the South African Press Association (SAPA) was subpoenaed under the Criminal Procedure Act to answer questions and produce documents in connection with an investigation of charges that he had distributed a trade union press release.

The SOE media regulations are sufficiently vague to create an atmosphere of uncertainty among editors, resulting in a situation where self-censorship is common, and opposition newspaper editors often surrender ultimate editing responsibility to their lawyers. Opposition publications pay expensive legal fees for advice prior to publishing stories, testing the limits of the regulations and for the defense of their actions in court. By late August, journalists and editors began consistently testing the media regulations in their coverages of the defiance campaign. The Government, adopting a new tactic, began obstructing journalists at the scene of unrest by immediately ordering them out of the area, detaining them, or arresting them. Over 100 journalists had been detained by the middle of September, including the American Broadcasting Corporation bureau chief, who was charged under the SOE with "attending an illegal gathering." Since De Klerk's administration has been in power, media regulations have gone largely unenforced. There is speculation that many media restrictions will be lifted in 1990.

Under the Publications Act (applicable to most periodicals, with the exception of newspapers), the importation, possession, and publication of politically or morally

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"undesirable" works is prohibited. Materials subject to censorship include those found to be "indecent or obscene," "blasphemous," or "prejudicial to the safety of the state." Decisions of the Publications Appeal Board are not subject to judicial review, except in rare instances, and can be quixotic. The antiapartheid movie, "Dry White Season," was shown at a film festival with only minor cuts; in 1988 the antiapartheid movie, "Cry Freedom," was banned after one showing.

The Government exercises a near monopoly on television and radio broadcasting through the state-owned South African Broadcasting Corporation (SABC). With some exceptions, SABC reflects progovernment viewpoints in both its news reporting and editorial policy. While the Government professes that SABC is politically independent, a wide range of the political spectrum, including the liberal Democratic Party and the rightwing Conservative Party, characterizes the SABC as an editorial arm of the ruling National Party. The appointment of Christo Viljoen as the new Director General of SABC may have inaugurated a more evenhanded approach; in the weeks leading up to the September 6 election, SABC offered a wide-ranging political debate on election issues.

b. Freedom of Peaceful Assembly and Association

The ISA seriously obstructs freedom of assembly, giving magistrates the power to ban or impose conditions on the holding of public meetings and to close off areas to the public to prevent prohibited gatherings. Police can also ban meetings under the SOE regulations. A ban on all outdoor gatherings except sports events or specially authorized meetings, in effect since 1976, was renewed again in 1989. Restrictions on funerals of political activists or victims of political violence also remain on the books. Throughout 1989 police frequently arrested persons in the townships on charges of participating in illegal gatherings and used the powers conferred on them by the SOE to repress peaceful demonstrations and gatherings.

On September 20 over 30,000 people marched against apartheid in Cape Town in one of the largest peaceful demonstrations in South African history. In what many observers viewed as a watershed event, the Government, headed by recently elected F.W. De Klerk, allowed the march even though official approval was never requested or given. The antiapartheid movement, represented by the MDM, proved its commitment to peaceful protest. The Cape Town march led to a series of large antiapartheid demonstrations in urban centers throughout South Africa--40,000 in East London on October 4 and 20,000 in Durban on September 29. On October 16 the media reported that approximately 150,000 persons demonstrated peacefully against apartheid and a regressive labor law in 17 places across South Africa with minimum police interference.

c. Freedom of Religion

South Africa has a wide variety of religious denominations, and the Government generally respects freedom of worship. Religious organizations are allowed to hold meetings and other activities without interference as long as they do not seriously challenge government policies. As with other aspects of South African life, churches are often organized along racial lines, but many churches (including a growing number of white churches) challenge apartheid on moral

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grounds. In 1989 the white branch of the Dutch Reformed Church in South Africa went as far as calling apartheid a "sin."

The Defense Act provides alternative service options for pacifist religious objectors to national military service. (Only white males are obliged to do military service.) Members of mainstream churches are granted alternative service only in rare instances. Conscientious objectors on nonreligious grounds continue to be subject to a 6-year prison sentence. Charles Bester was sentenced to 6 years in 1988 for refusing alternative service, apparently without being given the normal one-third remission of sentence. Dr. Ivan Toms was released on bail in 1989, pending an appeal for the same offense. Douglas Torr, an Anglican deacon, refused to report for military service in August and was scheduled for an initial hearing in January 1990. An estimated 15 percent of those called up for their 2-year military service fail to report, with the incidence of no-shows reportedly increasing. In 1989 reports indicated that the military intended to halve the required military service time from 2 years to 1. In September, 780 youths publicly stated their intentions not to do their military service.

Because of the restrictions on virtually all black opposition, church leaders have found themselves in the forefront of the antiapartheid movement. This resulted in growing tension between the Government and churchmen such as Anglican Archbishop of Cape Town Desmond Tutu; Rev. Allan Boesak, President of the World Alliance of Reformed Churches; and Rev. Frank Chikane, Secretary General of the SACC. Nevertheless, in 1989 church leaders continued to lead demonstrations and launched an interdenominational "standing for the truth" campaign.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Since the repeal of the pass laws in 1986, black South African citizens have no longer been required to carry government-issued passes in urban areas. While repeal represented a significant reform, some government critics charge that a de facto system of influx control has been maintained through urban housing shortages, antisquatting laws, and sanctions against employers who hire illegal aliens from the four independent homelands. Regulations requiring citizens of so-called independent homelands to obtain work permits for employment in the rest of South Africa could provide a basis for future deportations of large numbers of people to the "independent" homelands.

Assignments of blacks to homelands take place regardless of their wishes or the fact that they may not have been born in, lived in, or even visited, their putative homelands. When a homeland is granted so-called independence by the Government, blacks assigned to that homeland lose their South African citizenship and ostensibly receive the citizenship of the homeland. An estimated 8 million blacks have lost South African citizenship under this policy by legislation granting independence to: Transkei (1976); Bophuthatswana (1977); Venda (1979) and Ciskei (1981). A 1986 law provided for restoration of South African citizenship to a limited class of blacks who were denationalized as a result of homeland independence grants--those with permanent residence rights in South Africa. The Government believes that this reform will

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apply only to about 1.75 million of the estimated 4 million citizens of "independent" homelands residing outside those homelands.

South Africans must possess valid travel documents to travel abroad or emigrate legally. These documents generally are not difficult for whites to obtain, although some white antiapartheid activists have been denied passports. Blacks assigned to an "independent" homeland usually cannot obtain South African passports because they are not considered by the Government to be citizens of South Africa. The refusal of some blacks to travel on a homeland passport has the effect of deterring them from traveling abroad. In 1982 the Rand Supreme Court ruled that the Minister of Home Affairs has the absolute discretion to revoke or refuse to issue a passport. The Government regularly refuses passports to persons whom it regards as critical of the status quo. The Ministry of Home Affairs stated that in 1988, 169 people were refused passports--112 blacks, 20 "coloreds", 24 Asians, and 23 whites.

Although South Africa is not a party to international conventions on refugees, monitoring groups estimate that more than 250,000 Mozambicans displaced by civil strife have entered South Africa, including about 68,000 children. Approximately 205,000 of these refugees live in the homelands of Kangwane and Gazankulu or work as farm laborers in the Eastern Transvaal. Mozambicans apprehended outside these areas without permission are forcibly repatriated without an interview to determine whether they are refugees who can safely be returned. South African private and voluntary organizations as well as the International Committee of the Red Cross (ICRC) provide relief assistance in the homelands. The Government permits access by international observers to refugee areas.

The Government has taken harsh measures to prevent the entry of more Mozambicans by erecting an electrified fence along the South African border with Mozambique. On several occasions during 1989, the Government turned off the fence to allow refugees to cross safely into South Africa during clashes along the border between guerrillas and Mozambican forces. However, the refugees were promptly repatriated once the immediate danger was considered to have passed.

The number of South Africans who are officially registered as refugees in neighboring countries and benefit from assistance from the United Nations High Commissioner for Refugees has not grown significantly since 1985 and remains approximately 22,000. Most of these "refugees" are affiliated in some way with one of the antiapartheid organizations in exile.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The extent to which South African citizens have the right to change their government democratically depends on race. The majority of them, the blacks, have no such right. The 1983 Constitution created a tricameral Parliament with separate chambers for whites, "coloreds," and Asians. Officially registered political parties may operate freely. The respective groups are represented in the tricameral Parliament on a racial ratio of 4 white /2 "colored"/1 Asian, thus ensuring white dominance. Members of each house are elected from separate, racially based voter rolls. Each house has primary responsibility for its "own affairs," i.e.,

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legislation affecting its own racial constituency. The State President has complete discretion to decide which issues are of general concern and are therefore to be treated by all three chambers. Matters that are usually considered general affairs include foreign policy, defense, national security, and black affairs. Education is normally dealt with as an "own affair" subject to general laws prescribing norms and standards for salaries, curriculum, and examinations.

The terms of the 1983 Constitution and the existence of a white majority in Parliament ensure control by the white House of Assembly over general affairs. While there is opposition in the House of Assembly, the majority National Party has controlled South African political power and legislative affairs since its first parliamentary victory in 1948. Within the National Party, opinions on reform of the apartheid system range from moderate to reactionary. Internal differences are in theory resolved in party caucuses, but in practice the State President, who is also the National Party leader, resolves disputes.

In the September 1989 general election, the National Party won a reduced majority with 93 of 166 seats (down from 124 in the 1987 election), and 48 percent of the popular vote. The Conservative Party grew in strength (though not by as much as had been generally expected), increasing its elected representation from 22 seats to 39 and winning 32 percent of the popular vote. The liberal opposition, the Democratic Party, performed more strongly than expected, winning 33 seats and 20 percent of the vote. State President F.W. De Klerk interpreted the election results as a "mandate for reform."

Political participation for blacks, who have no representation in Parliament, remains limited to the franchise in their respective homelands or, in the case of urban blacks, in their townships. While remaining committed in principle to the grand apartheid scheme of granting independence to more homelands, the Government seems to accept that no more are likely to accept independence. Transkei's desire to remain independent came into question in 1989, when its leader, General Holomisa, publicly spoke of allowing a popular referendum on the issue. Other homeland leaders, such as Enos Mabuza (Kangwane), Mangosuthu Buthelezi (KwaZulu), and Mogoboya Ramodike (Lebowa) continue to reject so-called independence.

More than 10 million blacks live in townships near white urban areas. The only voting rights they are able to exercise are those granted under the Community Councils Act of 1977 and the Black Local Authorities Act of 1982. The latter Act elevated the formal status of black municipal authorities to that enjoyed by white municipal governments. However, black local governments still face critical problems of limited powers, inadequate financial resources, and lack of political credibility. In 1989, in Soweto, well-known black nationalists took over from the elected council, and South African provincial authorities negotiated with them an end to the 3-year rent boycott.

The Government has proposed some formulas to give blacks a limited role in the political process, including in 1985 multiracial Regional Services Councils and in 1986 a National Council to serve in an advisory capacity regarding a new constitutional structure for South Africa. These efforts have

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been viewed by critics as devices to give the appearance but not the reality of power sharing.

In 1989 the Government appeared to recognize that such limited steps were pointless and that new political structures for South Africa would have to come through negotiations. In the unfolding political process, ANC leader Nelson Mandela, assumed a new importance. Imprisoned in 1964 after his conviction for sabotage in the 1964 "Rivonia" trial, Mandela was moved from Robben Island Prison in 1988 to Pollsmoor Prison and subsequently to a cottage on a prison farm near Cape Town. In July then-State President P.W. Botha had an unprecedented meeting with Mandela, and in December State President De Klerk also met with Mandela. There was no information available on the substance of these meetings, but after each there was increased speculation that Mandela might be released soon.

In the first months of the new administration, President De Klerk met with other black leaders, including Bishop Tutu, Reverend Alan Boesak, and Reverend Chickane, who presented a list of demands believed to be close to ANC positions. These included: ending the SOE; lifting all restrictions on political activists; and releasing all prisoners detained without trial. De Klerk, in signaling an interest in negotiations, rejected an ANC demand for an interim multiracial government while a new constitution was being worked out. At the end of 1989, contact between exiled ANC and various internal political pressure groups had become increasingly common. Unofficial meetings reportedly also occurred between the ANC and members of the Afrikaner Broederbond. De Klerk also made a number of visits to African countries, including Mozambique, to stress publicly his interest in improving relations with these countries.

In October State President De Klerk announced the unconditional release of eight prominent long-term security prisoners. Among them were five of the original Rivonia defendants, including former ANC Secretary-General Walter Sisulu and Commander-in-Chief of the ANC military wing, Umkhonto We Sizwe, Raymond Mhlaba, as well as Ahmed Kathrada, Elias Motsoaledi, and Andrew Mlangweni. Also released were Oscar Mpetha, South Africa's oldest political prisoner, who has been described as the "father of trade unionism" in South Africa; Jafta Masemola, a PAC activist and South Africa's longest-serving political prisoner following his conviction of high treason in 1963; and Wilton Mkwayi, also a former Commander-in-Chief of Umkhonto We Sizwe.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government extends little cooperation to various United Nations bodies or private organizations attempting to investigate its human rights record. Since an October 1986 vote by an ICRC conference in Geneva to expel a South African Government delegation, the Government has permitted the ICRC to maintain only a reduced staff in South Africa. The Government has been willing to allow the ICRC to visit only a small percentage of those jailed for political reasons, because of its restrictive definition of precisely who is a political prisoner--generally those convicted under the ISA. The ICRC continues to negotiate with the Government for access to all prisoners convicted of security-related offenses,

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including those detained under the SOE. In 1989, to protest the Government's lack of response on this issue, the ICRC did not visit any category of prisoners for the fourth consecutive year.

Despite continued official and extraofficial harassment, many South African organizations continued to observe, report, and contest human rights violations. Lawyers for Human Rights, the Black Sash, the Human Rights Commission, the Legal Resources Center, the South African Council of Churches, the University of the Witwatersrand Center for Applied Legal Studies, the Human Rights Trust in Port Elizabeth, and other groups are actively involved in a wide range of human rights issues and assist persons who are aggrieved by the apartheid and security laws.

Activists involved in these and other human rights monitoring organizations are often subjected to personal harassment, including office break-ins, sabotage of automobiles, threatening phone calls, opened mail, and loss of jobs. A number of human rights monitors and lawyers have been detained. Acts of violence against some of these groups have resulted in their being asked to vacate office premises or venues for their activities. Some of these acts are probably carried out by rightwing groups outside of the Government.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

South Africa's black majority and, to a somewhat lesser extent, the "colored" and Asian communities, suffer from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. For example, per capita expenditure for education is about six times greater for whites than for blacks. Black enrollment at white universities has been growing slowly. In 1989 security forces relaxed their strong presence around some universities, though they continued targeting student activists in secondary schools in many of the major townships for detention and intimidation.

Women of all races in South Africa suffer varying degrees of legal, cultural, and economic discrimination, most of which is based on tradition rather than codified in law. Women traditionally earn lower wages than men. Rita Venter, who occupies the portfolio of Minister of National Health and Population Development, became the first woman named to serve as a minister in the Government. Women generally have achieved more success in electoral politics at the local than at the national level.

Black women suffer not only from discrimination under apartheid, but also from legal disabilities based on sex. Parliament passed legislation in 1988 which brought the marriage laws for blacks into line with those for whites. Black women married subsequent to the legislation have legal rights to community property accumulated during the marriage. Maternity benefits are not guaranteed to women of any race under South African law, and pregnancy is a legal basis for dismissal from a job. A women's rights movement has taken hold in South Africa, and women's organizations, often multiracial, have been at the forefront of the struggle against both race and sex discrimination.

Women activists believe that violence against women in South Africa is on the increase. Though the Government has enacted

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legislation to help protect women, in practice police are unresponsive to complaints against domestic violence. Cases often are not pursued nor investigated properly. A major problem for women in South Africa has been collecting financial support from former spouses in cases of divorce.

Section 6 Worker Rights

a. The Right of Association

South Africa's Labor Relations Act entitles all workers in the private sector freely to join labor unions of their own choosing. Although reliable statistics are unavailable, it is likely that more than 2 million workers were members of trade unions in 1989, and probably more than 1 million of those members were black. Black union membership has increased around ten-fold since legislation a decade ago granted blacks full status as employees with the right to form free and independent trade unions. According to South Africa's Ministry of Manpower, total union membership in 1989 represented approximately 24 percent of the nonagricultural work force.

South Africa's unions are independent of direct government control. The system of apartheid, however, impinges on all nonwhite workers and unionists, limiting their rights of political protest, access to legal process, and freedom of expression. As unions have increasingly assumed the role of voicing black worker demands for political rights, the Government has imposed restrictions on their political activities. The Government in February 1988 issued an order, often ignored, which officially prohibits the country's largest trade union confederation, COSATU, from engaging in political activities. The Government also has banned numerous trade union gatherings or restricted their agendas to "nonpolitical" issues.

In that connection, police have raided union offices throughout South Africa. In a raid on COSATU headquarters in August 1989 they seized a number of union documents. A South African court later ruled the seizure illegal and ordered the documents returned. Police then corrected their previous procedural violation and resealed the same documents. On the same day they raided COSATU headquarters, police raided the headquarters of the Food and Beverage Workers Union, an affiliate of NACTU, also seizing union documents.

In addition, although reliable statistics are unavailable, scores of trade unionists have been detained for varying periods by the police during the past year under SOE and ISA regulations. Just prior to national elections in early September, seven out of nine of COSATU's regional secretaries were either detained or went into hiding in fear of being detained. Shortly thereafter, police detained an official of the National Union of Mineworkers, the nation's largest union, whom they held for 5 days.

South Africa extended the right to strike, long enjoyed by white workers, to all private sector workers regardless of race in 1979. Since then work stoppages triggered by collective bargaining disputes, and occasionally political issues, have been commonplace. The number of strikes in 1989 appeared to be on the increase, but was still far less than in 1987, a particularly turbulent year. A survey of 168 strikes in the first 9 months of 1989 revealed that almost 65 percent involved disputes over wages.

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In September 1988 the Government amended South Africa's Labor Relations Act in a way regarded by workers' organizations as favoring employers over unions. Seen as particularly damaging to union strength is a section of the Act that imposes responsibility on unions to compensate employers financially in the case of an illegal strike. The Act also limits unions' right to conduct strikes, especially sympathy and intermittent strikes, as well as undermining established rights in the area of unfair dismissal and making it easier for racially exclusive (white) minority unions to preserve access to the official bargaining forums. Trade unions have focused major efforts against this and other sections of the Act since it was enacted, and COSATU has filed a complaint with the International Labor Organization (ILO) claiming that the law abridges the right to strike and gives preference to racially based unions.

South African law prohibits public employees from striking. A commission makes annual wage estimates for public employees, and legislation governing each public service sector establishes machinery for collective bargaining with staff associations and dispute resolution. In most public service sectors, disputes are referred to the appropriate minister and then to arbitration or mediation if necessary. Public sector conciliation machinery is currently being reviewed to see if it is adequate.

South Africa does not restrict union affiliation with regional or international labor organizations. The country's two largest confederations, COSATU and NACTU, however, have chosen not to seek such affiliations. Many of their affiliates as well as independent unions, though, have affiliated with trade secretariats and developed contacts with their counterparts in North America and Western Europe. It is not unusual, however, for the Government to deny passports to trade unionists for international travel and to deny visas to Western trade unionists for travel to South Africa. A member of the ILO from its inception in 1919, South Africa withdrew from the organization in 1964 but remains bound by the ILO conventions which it has ratified.

b. The Right to Organize and Bargain Collectively

South African law prohibits discrimination by employers against union members and organizers. The Government does not interfere directly with union organizing in the private sector and has generally not intervened in the collective bargaining process. Excluded from the statutory system of industrial councils for 50 years, black unions developed a collective bargaining tradition of their own. Unassisted by statute, collective bargaining relations were established by agreement (called "recognition agreements") at the level of the enterprise on the basis of majority representation. Private mediation services are available and have been voluntarily resorted to by management and the black trade unions to resolve industrial disputes. The Labor Relations Act establishes an industrial court to rule in labor-management disputes, and its decisions appear to be balanced. The most common complaints filed with the court concern dismissals, followed by unfair labor practices. Many observers believe, however, that the amendments made to the Labor Relations Act last year have skewed the Act, and therefore the industrial court, to favor employers. A new labor appeals court now oversees the industrial court and can overturn its decisions.

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Nevertheless, collective bargaining is freely practiced throughout the country with the major exceptions being public servants, farm workers, and domestic servants, who are not covered by the Labor Relations Act. In addition, South African labor law does not cover the so-called independent homelands which for the most part do not have labor legislation to match that of the Labor Relations Act. There are also reports that the "independent" homelands discourage trade union organizing. Excluding the homelands, labor laws and practices are applied uniformly throughout the country. There are no export processing zones or special labor regimes for export processing firms in South Africa.

c. Prohibition of Forced or Compulsory Labor

South Africa does not constitutionally or statutorily prohibit forced labor; however, the country's system of Roman-Dutch common law does not permit it, and it is not practiced.

d. Minimum Age for Employment of Children

The Basic Conditions of Employment Act prohibits the employment of minors under age 15 in most industries, shops, and offices. The Mines and Works Act prohibits minors under 16 from working underground. There is no restriction, however, on the age at which a person may work in agriculture.

e. Acceptable Conditions of Work

There is no legal minimum wage in South Africa. The Labor Relations Act instead provides a mechanism for negotiations between labor and management to set minimum wage standards industry by industry. At present over 100 industries covering most nonagricultural workers come under the provisions of the Act. A recent survey by the Institute for Industrial Relations found the average minimum wage in negotiated settlements with unions in 1989 to be approximately \$260 per month. The same survey indicated that union-negotiated wage increases are running ahead of inflation. In comparison, a different survey estimated the minimum monthly household subsistence level for a black family of six in the Johannesburg area to be approximately \$230. It should be noted that the current exchange rate understates the domestic purchasing power of the rand.

Attention to health and safety issues has increased in recent years. The Occupational Safety Act sets forth minimum standards for work conditions and employment. The Act mandates minimum standards for workplace environment and machinery which are enforced by inspectors from the Ministry of Manpower. Although its statistics are disputed by some, the State-funded National Occupational and Safety Association claims that the number of workers suffering disabling injuries annually has dropped from 2.4 percent to 1.6 percent over the last 10 years. Most industries have a standard workweek of 46 hours, as well as vacation and sick leave. Overtime is voluntary and limited to 10 hours a week. Work conditions in the homelands appear to be less advanced than in the rest of South Africa.

SUDAN

On June 30, 1989, in a bloodless coup d'etat, a group of brigadiers and colonels in the Sudanese People's Armed Forces (SPAF), led by Omar Hassan Ahmed al-Bashir, overthrew Sudan's 3-year-old democratic government, then headed by Prime Minister Sadiq al Mahdi. The new regime controls all the territory controlled by the Sadiq Government, but much of the south remains in the hands of the Sudanese People's Liberation Army/Movement (SPLA/M), led by John Garang. The coup leaders arrested over 300 leading figures (most of whom were freed by year's end), imposed a strict curfew, suspended Sudan's 1986 transitional constitution, abrogated press licenses, and dissolved all political and trade union institutions. The leaders then instituted a "National Salvation Revolutionary Command Council" (RCC) of 15 members, drawn exclusively from the military. The RCC justified the coup by condemning Sadiq's Government for corruption and ineffectiveness, especially in economic areas and in its failure to end the civil war with the SPLA/M.

The SPAF numbers about 75,000 men and is largely responsible for Sudan's internal and external security. Martial law has been in effect in government-controlled areas of the south for some time, and now extends to the north as well. A state of emergency (SOE) that permits various arbitrary government actions has been periodically renewed outside the south since 1985 and has been jointly enforced by the military, the police, and the Ministry of Interior.

Sudan's economy is primarily agricultural. Although the country is trying to diversify its cash crops, cotton and cottonseed still account for more than 50 percent of export earnings. The economy has been devastated by the expensive civil war (which costs perhaps \$1 million per day), high inflation (100 percent in the first 6 months of 1989), high unemployment, up to 700,000 refugees from neighboring countries, and perhaps 3 million displaced persons among the Sudanese.

Many of the serious human rights violations previously noted in Sudan continued in 1989 under both the Sadiq and Omar Governments. The RCC abolished Sudan's largely free press, dissolved Sudanese labor organizations, and suspended legal due process by instituting arbitrary arrest, detention without charge, and trial of civilians by military courts. The continuation of Islamic law (Shari'a) throughout Sudan remained a major cause of southern disaffection, although the implementation of its more severe punishments has remained in abeyance since 1985.

Government forces and government-armed militias committed many human rights abuses, especially in the south, as did the SPLA/M (although reports from SPLA/M-controlled areas are more fragmentary). Military operations by both sides have left large areas of Sudan largely unpopulated and opened opportunities for banditry, especially along the Ugandan border. Few of the 3 million displaced persons (including 1 million near Khartoum) were resettled. Many still lack proper food, clothing, shelter, and medical care.

Both before and after the coup, the SPAF, its affiliated militias, and the SPLA/M interfered with relief efforts and attacked civilians. Various cease-fires were accepted but then broken by one party or the other throughout the year. At

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times, both sides adopted a more responsible policy toward the passage of relief supplies, but both sides also continued to block such supplies from time to time. In November the Government closed Sudanese air space to all relief flights, and the SPLA/M imposed a 72-hour advance notice requirement for relief flights. At year's end relief donors were apprehensive that the suffering of tens of thousands of civilians would continue and perhaps even worsen.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Government forces under both Sadiq and Omar were directly implicated in some instances of extrajudicial killing. In Meiram (Southern Kordofan) in April, soldiers beat to death a Dinka stopped at an army roadblock. Two of his companions were left bound for many hours and eventually had their arms amputated as a result. No charges were filed. In July a soldier in Omdurman shot a young boy who had apparently annoyed him selling cigarettes.

The Sadiq Government appeared to condone human rights abuses by the military. General Burma Nassir, reportedly the architect in the mid-1980s of the policy of arming the militias (which committed widespread human rights abuses), was appointed to high positions under Sadiq. Major General Abu Gurun similarly received career-enhancing promotions, although his tenure as commander in the Wau area was marked by abuses ranging from starvation to crucifixions.

Some actions by the Omar Government suggested a somewhat different attitude. General Burma Nassir was detained and Abu Gurun was forced to retire from government service. Soldiers recently accused of the revenge killings of 10-15 civilians and other atrocities in Wau were at least relieved, although not disciplined. The abolition of Sudan's formerly vigorous press hampered reporting of human rights abuses. Under the Sadiq Government, reports of extrajudicial killing appeared with some frequency in Sudanese newspapers.

b. Disappearance

Reports of disappearances were fragmentary, but numerous witnesses suggested that the army, security police, and militias in the Nuba Mountains region of Southern Kordofan were responsible for disappearances in 1989. One report alleged that Nuba tribesmen arrested for suspected SPLA/M affiliation were removed from holding areas and "disappeared," allegedly to provide space for new detainees. Tribal militias were also accused of abductions for forced labor and of practicing slavery, especially upon displaced Dinkas.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both government and SPLA forces were accused of ill-treatment of civilians, (see Section 1.g.).

In 1983 under President Nimeiri, the Sudanese Government adopted a version of Shari'a (Islamic) law that prescribes harsh corporal punishments called "Hudud," also known as the

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"September Laws." Similar provisions were proposed to the former constituent assembly in 1988 by Hassan al Turabi, Secretary General of the National Islamic Front (NIF), after the NIF's inclusion in the Government. The assembly set aside the proposal without rejecting it.

Hudud punishments include amputation, hanging, and beheading, and such sentences were handed down in 1989. As in 1988, however, no Hudud sentences were carried out under either the Sadiq or Omar Governments. Some 400 convicted prisoners still await execution of Hudud sentences. The Omar Government had not clarified its position on Hudud, and the SPLA/M strongly rejected suggestions of a national plebiscite on Shari'a. General Omar declared that the September Laws, which the SPLA/M strongly opposed and are a major barrier to peace, are negotiable, but the Government also reportedly recalled two architects of the September Laws to draft a new Islamic constitution.

By contrast, sentences of flogging were routinely passed and carried out before the coup. Reports indicated that the standard sentence for drinking alcohol was 40 lashes. Such punishments are often inflicted summarily. In August Khartoum police allegedly arrested two factory workers and a baker for curfew violations and immediately gave each 20 lashes.

Other reports since the coup suggest brutality by some soldiers, police, and security and prison officials. Boys selling items in the Khartoum markets were rounded up and beaten. Official sources acknowledged the floggings and roundups and promised closer supervision of the police. Although reported police brutality declined after this commitment was made, unnecessary harassment by security forces continued in 1989. There were also persistent reports of beatings and other forms of torture inflicted on detainees and others in government penal institutions.

d. Arbitrary Arrest, Detention, or Exile

Sudan's Criminal Code continued substantially unchanged in 1989. Arrests must be followed by a statement of charges within a prescribed time, and the accused is to be brought before a court within 48 hours of arrest, informed of the charges, and allowed legal counsel. Bail is permitted except in some capital cases. But the state of emergency and martial law after the coup permit the Government wide powers of arrest and preventive detention for an indefinite period. Although most prisoners were allowed visitors, there were a few reports of prisoners held incommunicado, mostly trade unionists and Communists considered by the authorities to be troublemakers.

Military authorities in southern and western areas may detain people without charge on suspicion of cooperation or sympathy with the rebellion. As the incident at Meiram indicates (Section 1.a.), this power is sometimes abused.

Under the Sadiq Government, there were few political prisoners in northern Sudan. Fifteen persons were arrested, however, in December 1988 following an alleged coup attempt. They included a number of top politicians and former military officers who allegedly supported former President Nimeri. They were subsequently released after the June 30 coup.

The situation with regard to political detainees/prisoners changed dramatically with the coup on June 30. The Omar

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Government suspended legal due process and declared a nationwide state of emergency (SOE) that gave the Government wide-ranging arbitrary powers. The Government initially detained without warrants more than 300 people, including many of Sudan's prominent political and academic figures. They were later joined by academics who had petitioned against the regime's actions and by about 60 judges. Many detainees, including Sadiq al Mahdi, remained confined without charge in Kobar and other prisons at the end of 1989. At least 35 trade unionists were transferred to Shala Prison in El Fasher, approximately 400 miles from Khartoum. In September several Communists were detained, allegedly for instigating a protest against the Government by students at Khartoum University.

When eight labor union leaders petitioned in August against the Omar Government's decree abolishing unions, they were also detained. Government officials later claimed that the unions had been a major source of Sudan's problems, and that the RCC would tolerate no challenge to its authority. These actions were condemned by other labor organizations, including the Organization of African Trade Union Unity and the American Federation of Labor and Congress of Industrial Organizations. When the doctors' union staged a nationwide strike in late November-early December, the Government detained about 30 physicians, at least one of whom was severely beaten. Several physicians were later tried, and two convicted, for "instigating discord and war against the State."

Conditions of imprisonment for the detainees in Kobar prison are relatively mild, and many were freed over the months following the coup. Sarra al-Fadil al-Mahdi, wife of Sadiq, was detained in September and confined under more rigorous conditions in Omdurman Women's Prison. Sadiq's other wife, Hafia Hussein Sherif, was also briefly detained but released. During this period the Government began to file charges, usually related to wrongful expenditure of public funds, against former officials of the Sadiq Government. Although summary arrest and detention procedures continued to be used, the Omar Government began to reconstruct a functioning if more politicized system of justice, and detentions on political grounds in northern Sudan became infrequent.

There were approximately 150 political detainees held without charge in Sudan at year's end.

There were no known cases of involuntary exile in 1989. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Under the Sadiq Government, the Sudanese legal system was controlled by the transitional constitution of 1985 and Sudanese legal codes, including the penal code adopted in September 1983 (the September Laws). In addition, the SOE law of December 1987 gave authorities extensive emergency powers.

The legal system involved a variety of courts, including the Supreme Court, civil, criminal, and Shari'a (Islamic) courts. Abolition in 1986 of the executive power to form special state security courts ensured that the regular criminal courts would try all prisoners. Such proceedings involved extensive guarantees of due process, including arrest pursuant to a warrant, public trials before a three-judge panel, the right of defendants to speak and present evidence on their own behalf and to obtain counsel, and appeals through a series of

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courts to the high court of appeals. Christian law graduates were and are required to pass a proficiency examination in Islamic law to practice law in Sudan. Tribal law continues to be important in rural areas, where disputes largely involve land, water, and family concerns. Courts also exist to monitor the activities of merchants and can impose prison sentences for fraud and operating without a business license.

Both the judicial system and the judiciary have changed since the coup. One of the RCC's first decrees on June 30 abolished the 1986 transitional constitution and transferred all power over Sudan's constitution and laws to the RCC. The same decree also provided that existing laws remained valid and that nonpolitical constitutional institutions continued, although they would be required to enforce any changes in the laws approved by the RCC. The RCC removed and detained some 60 judges, about one-tenth of the Sudanese bench. The judiciary was transferred to the Ministry of Justice, and the Chief Justice, formerly elected by sitting judges, was appointed by General Omar.

In place of the former system, a dual court structure based on three sources of law developed in 1989. Civilian courts continued to exist, albeit short of staff and less independent of the executive. Such courts continued to handle the large backlog of cases dating from before June 30. They applied the 1983 Criminal Code (the September Laws) to try ordinary criminal offenses, including theft and even some capital crimes; civil cases continued to be handled largely according to previous laws, generally derived from British colonial models. Other courts were established to monitor conformity with government-established prices for certain goods.

The RCC also established numerous special military tribunals, typically comprised of three field-grade officers. These courts were used extensively to try officials from the Sadiq Government. In each case, the defendants were charged with crimes against the 1983 Criminal Code, usually corruption. The defendants were allowed counsel of their choice. In the first such case, however, involving former Supreme Council member Idris al Banna, the defendant's attorney was not allowed to present a defense. Defendants subsequently were formally granted the right to counsel, and it was announced that Idris al Banna would be allowed to appeal the denial of effective counsel in his case. The trials were televised and open to the public.

The military courts also tried nonpolitical civilian defendants accused of offenses specified in the SOE. Such crimes included possession of hashish and currency-exchange violations. The military courts also try offenses against the decrees of the RCC, which, along with the 1983 Penal Code and the SOE law, comprise the current Sudanese criminal code. Sentences given convicted defendants, both political and nonpolitical, have been severe by Sudanese standards, including long prison terms and confiscation of property.

An RCC decree on June 30 allowed the seizure of land, money, or commodities for the public welfare without reimbursement and for the seizure of the property of businesses under suspicion of resisting the Omar Government (pending legal determination of the case). These decrees were used to enforce price controls.

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Late in 1989 the military courts, which tried a limited number of cases, were discontinued in favor of state security courts, each staffed by three civilian judges. Like the military tribunals, these courts constitute a separate group of security courts parallel to the regular criminal and civil system. They are intended to try persons accused of violations of constitutional decrees, emergency regulations, and some sections of the penal code, but defendants in these courts receive greater benefit from due process provisions than did those in the former military courts, including the assistance of counsel empowered to address the court and access to a court of appeals.

In November the Government created another new set of security courts. According to the Special Courts Act of November 29, the military governors of the regions and the commissioner of the national capital can form special courts with jurisdiction parallel to that of the state security courts. The special security courts can be formed of three military officers or any three competent persons, and those created had both military and civilian judges. Attorneys can sit with defendants as "friends of the court" and advise them, but cannot themselves address the court. Sentences given by the special security courts are to be implemented immediately, except that death sentences must be approved by the Chief Justice and the Head of State. Defendants can file appeal briefs with the Chief Justice. The Government referred most security cases to these courts, leaving the civilian state security courts largely without a docket.

The special security courts quickly became noted for their severe sentences. In December two defendants convicted of illegal possession of foreign currency and a third defendant convicted of currency smuggling were sentenced to death, as was a physician convicted of involvement in an illegal strike by doctors. Another physician involved in the strike was sentenced to 15 years in prison; two other physicians were acquitted. Despite international protests, on December 17 one of those convicted of currency violations was hanged, along with a drug trafficker convicted earlier.

In practice, the military courts and the succeeding special revolutionary courts applied a mix of precoup laws and postcoup decrees. The Attorney General's Office allegedly monitors the trials of political prisoners, but its influence is unclear.

The military courts convicted less than 100, perhaps even fewer than 50 defendants during their 3-month existence.

Large areas of the south are controlled by the SPLA/M. Reports indicated that a rudimentary system of justice based on village leaders was being used in some of these areas, and a similar system of justice was authorized by the Government late in 1989 for the war-torn province of South Kordofan. Under this system, a trusted village elder is appointed to adjudicate disputes, as well as to collect taxes and recruit soldiers and labor for the SPLA/M. SPLA offenders can be tried and have reportedly been severely punished. Other portions of these areas are outside effective judicial procedures, and those accused are often not provided recognizable due process. Some reports suggest that army units summarily try and punish those accused of crimes, especially offenses against civil order.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government surveillance in Sudan, outside the combat zones, was rare before the coup. After June 30, security agencies considerably expanded both the scope and intensity of their activities throughout Sudan. Reports were received of petty harassment of civilians and surveillance of church services by security officers. After their release from detention in December, leading political figures Mohamed Osman al Mirghani and Hassan al Turabi were confined to house arrest, their families were kept under surveillance, and all visitors other than family were required to obtain government permission. Complaints about searches of homes without warrants also increased. In one case, armed police or soldiers without warrants reportedly entered homes in the Khartoum area occupied by displaced persons from southern Sudan. They allegedly confiscated equipment used for home brewing (a traditional if illegal moneymaking sideline for southern Sudanese women), marked the homes with red paint, and forbade the families to reenter them.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Both government forces and government-affiliated militias as well as the SPLA/M used excessive force and acted contrary to humanitarian law. Allegations of chemical weapons use by the SPAF, however, appeared unfounded.

In January witnesses reported that in Allubi (Southern Kordofan) in December 1988 some 150 SPAF soldiers and 5 officers engaged in a spree of looting, rape, and torture of civilians. Other reports suggested similar activities by the SPAF in the area of Tira El Akhdar that resulted in the burning of seven villages and the killing of eight villagers. Other reports of such activities, including in the west, were received following the coup. In several cases, army units reacted to perceived SPLA/M attacks by ferociously attacking the Dinka sections of nearby towns, killing substantial numbers of villagers. In one case, the unit commander reportedly was transferred, but no reports were received of disciplinary action against the soldiers who committed the atrocities. Government forces in Malakal forbade civilians to leave the town with enough rations to return to their villages and plant crops, effectively making the civilians prisoners in the town. East of Wau, the SPAF reportedly established a "free-fire zone" to discourage settlement. Army officers have also admitted rape and theft of relief supplies by soldiers in southern garrisons.

A particularly notable violation of humanitarian law occurred in the eastern Equatoria town of Torit, a center for relief activities. On June 1 an SPAF bomber appeared over the airport at Torit, which had recently been occupied by the SPLA/M. The plane made two runs on the airport, dropping several large bombs that narrowly missed a German Air Force transport, looted a relief agency and appropriately marked. Representatives of several donor nations protested the attack, which also caused a temporary suspension of German airborne relief in the area. A similar bombing was reported at about the same time on a village near Torit, resulting in several wounded civilians. After the fall of Kurmuk to the SPLA/M in October, SPAF planes bombed the SPLA-held towns of Yirol and Waat. The attack on Yirol killed 4 civilians and

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wounded 10, and bombs narrowly missed a clearly marked ICRC hospital. The Government subsequently denied responsibility for these two incidents.

Information on SPLA/M violations of humanitarian law has been more difficult to obtain. SPLA/M forces, however, reportedly raped displaced persons fleeing besieged towns and were accused of planting land mines indiscriminately in the war zone. There are reports that during the siege of Juba the SPLA fired rockets into the town on several occasions. These attacks reportedly killed more than 20 people, most of them women and children. In the Juba area, the SPLA also stole relief food from the inhabitants. When the SPLA/M took the town of Torit in February, SPLA fighters reportedly pillaged, raped, and killed civilians there. In late December, a relief plane of the French organization *Medicins Sans Frontieres* was shot down while taking off from the government-held town of Aweil. The Government stated that the SPLA/M was responsible, but there was no independent confirmation of that claim.

Government forces and government-armed militias were accused of attacking groups fleeing the widening area of the conflict, preventing civilians from growing their own food through indiscriminate planting of land mines, and confiscating relief supplies intended for civilians for sale on the black market. The government-armed tribal militias (especially members of the Misseriyyah, Fertit, Taposa, and Ruzeigat tribes) made many attacks on their longstanding tribal opponents, particularly the Dinka, the most important source of support for the SPLA/M. In late December, Arab militia of the Sabha tribe killed over 200 Shilluk tribesmen in El Jebelein in reprisal for the murder of an Arab landowner. The Government announced several arrests and an investigation of the incident. Militia activity was especially vicious in the Nuba Mountains region of Southern Kordofan. The Sadiq Government routinely ignored abuses of human rights by the militias. In July the Omar Government brokered a settlement in El Fasher that reduced strife between the Fur tribe and government-armed groups that had been attacking the Fur.

However, the Omar Government was not able to disarm the militias, which also received weapons through neighboring states, including Chad. In November a government decree establishing "Popular Defense Forces" substantially implemented a controversial proposal, initially made under the Sadiq government by the National Islamic Front and parts of the Umma party, to legitimate the militias. Government control over the militias remained limited in 1989, although the decree suggested means for closer government supervision. A portion of one militia group, the Anyanya II, turned against the Government and now supports the SPLA/M; another faction remained loyal to the Government. In one case, the portion of the Anyanya II militia loyal to the Government reportedly visited villages near Abyei and engaged repeatedly in pillage, torture, killing, and rape of civilians who they alleged were SPLA/M supporters. Instances of enslavement of displaced persons and refugees were also reported (see Section 5). One observer found these areas ruled by "the law of the gun." Despite these limitations of control, the Government's historic policy of providing weapons to the militias and failing to investigate or punish atrocities committed by them associates the Government with the militias' actions. The SPLA/M also reportedly armed tribal militias in the Nuba area, although on a smaller scale.

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Both sides in the civil war took prisoners, although the SPAF reportedly held only SPLA/M officers. The ICRC was able to visit 8 SPLA/M prisoners held by the Government and 150 government prisoners held by the SPLA/M. The total number of prisoners visited is only a small number of the prisoners held by both sides.

Both sides interfered with relief operations in 1989. Before the coup, Prime Minister Sadiq al Mahdi acknowledged the unauthorized distribution of relief supplies by a local official from stocks at Aweil. The SPLA/M reportedly attacked some relief convoys moving through SPLA/M-controlled territory. Other convoys were held up by negotiations between the Government and the SPLA/M over the proportion of supplies to be left in SPLA/M hands. Heavy mining on some southern roads greatly obstructed movement of relief convoys by land. Civilians suffered from mistreatment by some local townspeople, attacks by armed militias, occasional military harassment of relief workers, and lack of humanitarian assistance from the army and SPLA/M themselves. Movement of food supplies by land to Juba, the largest town in the south, was blocked by the SPLA/M, forcing the 300,000 residents to rely on the uncertainties of airlift.

While civilian deaths in the civil war and tribal fighting were again high in 1989, interference or failure of both sides in the civil war to cooperate with food relief efforts and the subsequent closure of airspace to relief flights, government corruption and inefficiency, and lack of medical treatment continued to be the major causes of death in the areas affected by the civil war in 1989. Overall in 1989 there were fewer deaths than in 1988, due in part to massive humanitarian efforts and intermittent cooperation. This improvement was threatened in November by the Government's closure of Sudanese air space to relief flights following the fall of Kurmuk, to which the SPLA/M responded by imposing a 72-hour notification rule for flights over SPLA/M-held territory.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the Sadiq Government, Sudanese citizens had substantial freedom of speech and press, at least outside the war-torn southern areas. Parliamentary debate was free and criticism of the Government intense. Print media were lively and expressed a wide variety of Sudanese opinion. Political parties published their own newspapers, and independent journals presented a full range of opinions. Human rights abuses were often, if not always reliably, reported on, especially by English-language newspapers. Radio, television, and the Sudanese News Agency (SUNA) were under government control and tended to reflect government policies. Academic freedom was generally respected, and student groups held free elections for their leaders.

Despite this substantial freedom of the press, there were limitations. In early 1989 the Sadiq Government fired the SUNA management, reportedly for not being sufficiently Islamic in their reporting. At the same time, the Cabinet began reconsideration of a new press law that would have imposed substantial limits on reporting, including banning attacks on religions and on Sudan's foreign policy. In March the Sadiq Government used the SOE law to arrest the editor of a biweekly newspaper, producing a protest from the Sudanese Journalists Association.

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The coup on June 30 radically changed this situation. Public expression of opposition viewpoints was banned; the broadcast media were tightly controlled; and licenses for all nongovernment publications were cancelled. For some time the only internal news sources were the SPAF organ Armed Forces, SUNA, and radio and television--all government controlled. In August the Omar Government authorized a second daily newspaper, Modern Sudan. In September a third journal, National Salvation, appeared. Modern Sudan and National Salvation became the general daily papers, and Armed Forces returned to its previous situation as an irregularly published organ for the armed forces. All three journals reflect government views and are in Arabic only. Also in September Sudanow, an English-language government magazine, reappeared in a limited press run.

Although a new press law under discussion could permit independent publications in the future, early return to the previous conditions of press freedom is unlikely.

Academic freedom in Sudan has generally been respected, but many university professors felt less secure after the coup. A few professors and other leading intellectuals were detained or taken in for questioning, although most were soon released. An early decree of the RCC forbade universities to shut down in protest.

b. Freedom of Peaceful Assembly and Association

Despite the banning of demonstrations under the SOE law by the Sadiq Government, protests and marches periodically occurred. The National Islamic Front (NIF) held numerous demonstrations against the Sadiq Government in April, some of which became violent. The SOE and banning of political activity decreed on June 30 effectively eliminated the right to protest, and a large student demonstration at the University of Khartoum December 6 was firmly controlled by police forces, killing two students.

Before the coup, Sudan had many political organizations and parties. Professional and business associations met regularly. They were routinely given the required permits and licenses, and, outside the war zones in the south and west, the Government usually did not become involved in their proceedings.

On June 30, the RCC decreed that the registrations of all nonreligious groups were canceled, and the groups were effectively disbanded. In September the Government put forward a program for reregistration of voluntary organizations. As long as political activity remains banned, it is unlikely that such organizations, even if reregistered, would play the active role in politics that some did before the coup.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Sudan is a multireligious country in both fact and law. Islam and Christianity have both been formally recognized as religions of Sudan, but adherents of other beliefs are not legally restricted. Muslims are a majority in the five northern regions and the capital, although the presence in

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these areas of over 3 million displaced persons from the south (an area predominantly Christian and animist) is affecting this balance. Foreign clergy may enter Sudan with certain restrictions. They are most likely to be admitted if they have certain technical skills, such as publishing, that are difficult to obtain in Sudan; clergy without special skills are less likely to be admitted. In general, clergy are admitted to serve their own religious communities. Proselytizing by Muslims is allowed, as is proselytizing by Christians of non-Muslims; but proselytizing of Muslims is discouraged and can provoke reactions. Religious believers are free to engage in religious education and to participate in religiously related charitable activities.

Despite these provisions, Islam has traditionally been favored by the Government. Under the Foreign Missionary Society Act of 1962, public Christian religious activity is subject to close government supervision. Among other provisions, the Act forbids the construction of churches without government permits, which have not been issued for more than 10 years. The Sudan Catholic Bishops' Conference and the Sudan Council of Churches both protested in 1989 against the Act, whose broad provisions were often capriciously interpreted by local officials.

Several incidents exacerbated sectarian tensions in 1989. Before the coup, government officials in the south reportedly seized property belonging to Christian churches, refused to return it, and threatened those who protested the seizure. In April the NIF, then in opposition, called for a "holy war" against the Government and its supporters. Local groups inspired by this appeal apparently interpreted it as an incitement to attack Christian establishments. In the last 2 weeks of April, attacks were made against Christian churches, centers, and schools in En Nahud (Northern Kordofan Province), Port Sudan (Red Sea), El Kamlin (El Gezira), and two establishments in Omdurman. In one of the Omdurman incidents, a charity center operated by the Sisters of Mother Teresa of Calcutta was attacked by a mob incited by the imam of a nearby mosque. One of the nuns was severely beaten and the center was stoned. The imam was arrested and sentenced to 2 months in jail for disturbing the peace. In En Nahud, a Catholic Church compound was invaded by a mob of NIF supporters, who looted and ransacked the nuns' quarters and the parish offices. No one was reported arrested for this attack. The Sadiq Government discouraged participation in the NIF-led demonstrations but did not use its emergency powers to ban them.

In another incident, a Catholic catechist was reportedly jailed and robbed by security forces in El Daein in Southern Darfur. Personal papers he was carrying were also allegedly destroyed, and one of the officers reportedly demanded that he say Muslim prayers in order to be freed, which he refused to do. After holding him for 11 days in custody without charge, they released him at Umm Ruwaba in Northern Kordofan. No reports were received of disciplinary actions against the security officials involved.

When the SPLA/M captured Torit in February, its fighters reportedly ransacked the home of Archbishop Paride Taban, taking religious articles, vestments, books, and other property. They also took the Archbishop and three Catholic priests into custody and held them incommunicado for 2

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months. After international protests to the SPLA/M, they were released in mid-May.

The coup on June 30 did not substantially affect religious activities in Sudan. Religious organizations continued to function essentially as before, and the decree revoking the registration of other voluntary organizations exempted religious bodies.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Sudan is hampered by the civil war, a very limited transportation infrastructure, and government restrictions. Exit visas are required to leave Sudan, a requirement that has been used to restrict travel abroad. A married Sudanese woman must have the permission of her husband or another male relative to travel abroad, and regulations specify that unmarried Sudanese women must travel with a family member or other sponsor. The travel restrictions for women were generally ignored before the coup, but after June 30 they were increasingly strictly enforced. Reports were received of several women refused permission to board at Khartoum airport because security officials did not believe they had the required permission or escort. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and register again at the new location within 3 days of arrival.

After the coup, the Omar Government imposed additional travel restrictions. A curfew was instituted in much of Sudan, and suspected curfew violators are subject to detention or summary floggings. Initially the Omar Government heavily restricted travel abroad by Sudanese, and immediately after the coup closed the Khartoum airport except for travel to Mecca in Saudi Arabia by Muslim pilgrims. A government spokesman stated in August that travel abroad (other than to Egypt) for medical treatment was forbidden, explaining these measures as necessary for improving production in Sudan. In practice, Sudanese have experienced little difficulty in leaving the country since the coup. Although Sudanese could move about the country freely both before and after the coup, the Omar Government tightened travel restrictions on foreigners (especially diplomats), principally by requiring travel permits that are sometimes difficult to obtain. These restrictions sometimes hampered relief efforts.

The situation of displaced persons and refugees improved in 1989 by comparison with 1988. Natural catastrophes were less severe, and under the umbrella of Operation Lifeline Sudan relief supplies moved more easily than in 1988. Although mass resettlement plans for the summer of 1989 were not carried out, some forced resettlement reportedly occurred in the Khartoum area in November and December, as well as in areas affected by the civil war. The SPAF reportedly forced farmers south of Kadugli to move from their villages, causing a major influx of families into the town of Kadugli. Reports of widespread starvation declined, but refugees and displaced persons continued to lack medicines and other necessities.

Overall, Sudan's inability to resolve the civil war left the number of displaced persons at about the 1988 level of some 3 million. Many of these people were concentrated in shantytowns and squatter huts in and around Khartoum.

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Sudan's foreign refugee population (largely composed of Ethiopians, Ugandans, and Chadians) was about 700,000. Sudan has not forced the repatriation of refugees and has generally accorded good treatment to refugees, although years of influx have nearly exhausted the meager available resources for refugees. Administrative problems halted almost all resettlement of refugees to third countries from May 1988 to April 1989, but the Omar Government seemed to have corrected these problems by the end of 1989.

Large numbers of refugees have settled in the cities, especially the capital area. Refugees are restricted in their freedom to travel and own property, as are most non-Sudanese. They also are not permitted to become resident aliens or citizens of Sudan, regardless of the length of their stay.

An exception to the generally good treatment of refugees in Sudan was the situation of Falashas (Ethiopian Jews) in Umrakoba Camp. This group of 54 has been sequestered since 1984, has often been denied access to United Nations High Commissioner for Refugees (UNHCR) protection officers, and receives minimal support from the Sudanese Government, which runs the camp. They are denied permission to travel and isolated from the general population of the camp, and they reportedly do not receive adequate health care.

Urban refugees face considerable problems. Reports of harassment and petty thievery by police against refugees, beatings for minor infractions of the law, administrative obstruction and delays, and the need for small bribes to obtain everything from work permits to food-ration cards are common in urban areas. Refugees seldom have recourse to the legal system when attacked by policemen. The UNHCR Protection Officer reported that one group of refugees was imprisoned without charge when found at the scene of a murder. Although the murderer was promptly identified as Sudanese, the refugees remained in prison for 8 weeks.

The Omar Government did not change the policy of the Sadiq Government, instituted in 1987, of accepting genuine political refugees but refusing refugees from famine.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

At the end of 1989, a military regime ruled, and the people of Sudan had neither the right nor the ability peacefully to change their government. A government spokesman declared that this situation will not change soon. In September the RCC issued its "Third Constitutional Decree" establishing a new governmental system for Sudan. It featured a head of state (General Omar) with sovereign powers. The all-military RCC continued as the legislative authority. A cabinet was established consisting of a prime minister and other ministers, all appointed by the RCC. The Cabinet was given essentially administrative authority subject to the Head of State and the RCC. The courts were brought under the Head of State's supervision, and courts were specifically forbidden to review acts of the RCC or the Head of State.

Under the Sadiq Government, Sudan had a multiparty parliamentary system that guaranteed the right of citizens to change their government. The system did not extend to large parts of the south, where the civil war prevented the holding of elections in 1986 in about half the electoral districts in

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southern Sudan, leaving empty 41 of the 301 seats in the constituent assembly. The democratic Government could not end the civil war as it was repeatedly deadlocked on the political/religious issue of the constitutional basis of government. A strict Islamic-based criminal code including Hudud punishments was proposed in 1988 but never passed, although the Shari'a-based provisions of the September Laws were never repealed and constituted a major issue in the civil war. The Sadiq Government was never able to meet its goal of holding a national constitutional conference.

When they assumed power on June 30, the military leaders justified their action largely by citing the ineffectiveness of the democratic government. Claiming sectarian bickering as harmful to Sudan, they abolished all political parties, seized (and later distributed) the parties' assets, and detained (albeit in relatively mild conditions) the leaders of many precoup parties. RCC decrees banned all political activity and political parties. Under both the Sadiq and Omar Governments, local and provincial officials were appointed by the authorities in the capital. Most local officials appointed after the coup were military officers.

The military Government publicly assigned a high priority to ending the civil war. However, by the end of 1989 there had been very little movement. John Garang, the leader of the SPLA, has called for a "restructured, unified Sudan, a multinationality country."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has traditionally been acutely sensitive to local or foreign criticism of its human rights performance. Several international human rights groups work actively in Sudan. General Omar also invited a group of Western ambassadors to examine the conditions of detention for political detainees in Kobar prison, and the visit took place on August 12. In September the Dinka intellectual, Francis Deng, who is based in Washington, was also permitted to see many political detainees in Kobar, including Sadiq al Mahdi, Mohamed Osman Mirghani, and Hassan al Turabi.

Local human rights activists in Sudan have complained of being regarded as subversive, and many reportedly were called in for questioning by security officials both before and after the coup. Neither the Sadiq nor the Omar Government instituted any public investigations of alleged human rights abuses in 1989. In late November, however, the Government received a delegation from Amnesty International to discuss detention without trial and other human rights concerns.

Until June 30, Sudan had several active organizations monitoring human rights in the country, including the Sudan Human Rights Association (SHRA), the Sudan Bar Association (SBA), and the Sudan Catholic Bishops' Conference. Neither of the first two produced in 1989 detailed studies of human rights abuses in Sudan, and their status since the coup is uncertain. The Bishops' Conference still exists and actively monitors human rights concerns; its bimonthly newsletter publicizes violations of human rights, especially those involving religious discrimination. In late 1989, both the Bishops' Conference and the Sudan Council of Churches drafted public letters protesting religious discrimination.

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Language, or Social Status

Sudan's population of 24.5 million (1989) is a multiethnic mix of over 500 Arab and African tribes, with scores of languages and dialects. In general, Sudan is composed primarily of two cultures--Arab in the north and central areas and black African in the south. Sudanese governments have historically been dominated by northern Muslims (about 16 million). Some southern tribal groups, especially non-Arabs and non-Muslims, have demanded greater economic and political power and greater recognition of Sudan's cultural diversity.

Discrimination in the north by the Muslim Arab majority against displaced persons from the south is common, and many reports were received in the past of attacks by Arab tribes in the south against non-Arab southerners, especially members of the Dinka tribe. Residents of Arabic-speaking areas who do not themselves speak Arabic are discriminated against in education, jobs, and other opportunities. University of Khartoum entrance examinations also favor Arabic speakers. Widespread popular attitudes in these areas also stereotype dark-skinned non-Arab southerners as inferior and lazy, leading to much informal discrimination against them.

Sudanese laws continue to favor men, and men and women traditionally have segregated roles. Islamic laws of inheritance award additional property to men, while concurrently assigning them the duty of caring for their extended families. Although education is freely open to both sexes and many women obtain university education, women traditionally receive less education and have fewer opportunities than do men. Some women, however, have been active in the professions, the media, education, and politics, and at least one female presides over a court. Although not numerous, women are found in both the police and the military. Labor laws allegedly do not adequately protect the self-employed, the bulk of the female work force. However, one of the relatively few women's rights activists in Sudan noted at an international conference in 1989 that Sudanese women often did not avail themselves of the rights and opportunities available to them, including access to the court system.

Female genital mutilation (circumcision) is prevalent in Sudan. Reports indicate that this practice, although officially illegal, is very widespread, especially in the north. Some reports suggest that over 90 percent of northern women have been circumcised, with consequences that include severe urinary problems, infections, and even death. The so-called Pharaonic circumcision, the most severe of the three forms of circumcision, is the most common and is usually performed between the ages of 4 and 7 years. Few physicians will perform the operation, which is most often done by paramedical personnel in improvised, often unsanitary conditions. The operation reportedly is expensive--approximately \$111 at the legal exchange rate--for a 10-minute procedure. Southern women displaced to the north are increasingly visiting circumcision on their daughters, even if they themselves are not circumcised.

Women refugees are particularly vulnerable to harassment and sexual abuse. Sexual favors are reportedly demanded of them by some Sudanese officials in exchange for performance of official duties. Stories of rape of women refugees by

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policemen are common, and women refugees without a male provider are sometimes forced into prostitution to earn a living.

Among certain southern tribes, forcible sexual intercourse is common. No blame attaches to the practice, although the man involved must pay a price (often in livestock) to the woman's family if she becomes pregnant. In the same area, wives are often received on a trial basis lasting up to 4 years. The husband may dissolve the marriage during this time by returning the wife to her family, although he must pay a price for each child born during this time. Returned wives are reportedly often able to contract further marriages and are not stigmatized by having been returned.

The extent to which wife beating occurs is unknown; it is not discussed as a public issue, and police do not normally intervene in domestic disputes. There were no known reports of wife beating in 1989, and no court cases involving either circumcision or violence against women. However, for a variety of reasons, many women would be reluctant to file a formal complaint of such abuse.

Section 6 Worker Rights

a. The Right of Association

Sudan had a strong labor union movement during the period of the Sadiq government. Prominent labor organizations included the Sudanese Workers Trade Union Federation (SWTUF), which represented blue-collar workers, the white-collar Sudanese Employees and Clerks Federation (SFETU), the Sudanese Teachers Federation, and a number of professional associations. Sudanese unions lobbied actively and participated in international, African, and Arab labor organizations. Except for some government employees, strikes were legally permissible after exhausting other measures to resolve disputes. Technically illegal strikes were common and usually tolerated.

The RCC's constitutional decree number 1 of June 30 abolished all labor unions and forbade strikes. Labor union offices were closed, and union assets were frozen. Many (probably over 100) union officials, especially those active in political parties, were detained or placed under house arrest between July and September, some for protesting the Government's action. Many were quickly released, but at least 35 union officials remained imprisoned in Shala Prison in late 1989, and others were detained elsewhere. In September General Omar announced the legalization of preliminary committees to manage union affairs, pending the drafting of new laws on union organization. Under this rubric, the SWTUF was restored, with its leadership unchanged, and its assets returned. Two other labor groups were also reinstated, and efforts were under way to legalize the remaining unions at the end of the year. Union officials were promised substantial participation in the process of developing new labor legislation.

Although the Government pledged to respect all labor rights required by the International Labor Organization (ILO), it continued to forbid strikes, as well as all labor activity by unreinstated unions. The doctors' union, which had not been reinstated, staged a nationwide strike in late November and early December to protest the firing of government-employed

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physicians and to demand removal of the Omar Government and restoration of democracy. In December a special security court convicted two doctors of leading the strike. One was sentenced to death, the other to 15 years in prison. Reports also indicated that several members of the engineers union were detained in December to prevent a suspected strike.

b. The Right to Organize and Bargain Collectively

Under the 1985 transitional constitution, suspended on June 30, workers had the right to organize and to bargain collectively, and unions did so actively. There were no official constraints on union membership, and labor laws were applied uniformly throughout the country (although with little effect in the war areas). Job creation and union membership were limited primarily by Sudan's shattered economy.

On June 30 the RCC suspended the right to organize and bargain collectively. These rights were restored to legalized unions in September. Labor laws and practices are uniform throughout the territory controlled by the Government.

c. Prohibition of Forced or Compulsory Labor

Sudanese law strictly prohibits forced or compulsory labor. Allegations of slavery, however, persisted in Sudan in 1989, and the issue remained controversial. Although the Government frequently denies the existence of slavery, Prime Minister Sadiq al Mahdi acknowledged that Dinka children were enslaved by Arab tribes and claimed that Arab children were taken by Dinka tribes. He described the practice as a longstanding one, involving mutual raiding and taking of captives, but condemned it as "illegal" and "immoral." Slavery reportedly exists primarily in remote parts of Sudan, especially those where government control is weak and where displaced persons fleeing the war zones come into contact with armed groups. Informed sources suggest there could be many slaves in Sudan, largely women and children doing agricultural and domestic work and serving as concubines.

The revival of slavery is often blamed on economic pressures and the civil war, especially the practice of arming tribal militias. Most of the slaves allegedly are Dinkas abducted by Arab militias, especially the Rizeigat and Misseriyah. One report by a former army officer indicated that his entire family had been killed or taken into slavery after a Rizeigat attack on their village in 1987. Reports have also been received in the past of Dinka children sold into slavery by their parents to prevent their possible starvation.

Reports suggested that the SPLA/M often forced southern men to work as laborers or porters or forcibly conscripted them into SPLA ranks. In disputed territories this practice was implemented through raids, while in SPLA/M-controlled areas it was done through the SPLA/M-appointed village leader.

d. Minimum Age for Employment of Children

The legal minimum age for workers is 16. This law is enforced in the official or wage economy, but poverty in Sudan produces widespread child labor in the informal economy. In rural areas, children from a very young age assist their families with agricultural work.

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e. Acceptable Conditions of Work

Although Sudanese laws prescribe health and safety standards, working conditions are generally poor and enforcement of environmental standards is minimal. Unemployment and underemployment are major problems in Sudan, especially among young people. Even graduates of prestigious schools have difficulty finding employment after graduation.

Sudan limits the legal opportunities for employment for refugees to menial or marginally skilled jobs. Fortunate refugees find employment with an international organization, but most are forced to take jobs far below their training or abilities. Rural refugees often find work as field laborers, earning the equivalent of a few pennies a day. Urban refugees find employment as day laborers or domestic help. The lack of legal opportunities to earn a living wage forces many into illegal activities such as smuggling, black-marketeering, moonshining, and prostitution.

The workweek is currently limited to 6 days and 48 hours, with 1 day of rest on Friday. After the coup, the Omar Government announced it was considering adopting a 5-day workweek. Laborers receive an extra month's pay for each year's labor. Most workers are given allowances for transportation, and some receive housing allowances. Labor standards are enforced in the public and private official economies but not in rural areas or in the informal economy. The minimum wage remains at the 1988 level of \$67 per month at the official exchange rate. This salary is far from sufficient for subsistence in urban areas, and workers often must rely on farming, second jobs, or help from the extended family. Salaries in private industry are generally higher than those in the public sector.

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Swaziland is governed as a modified traditional monarchy with all executive, legislative, and judicial powers ultimately vested in the King. Advised by the Queen Mother, traditional figures, and cabinet ministers, he rules according to Swazi law and custom, never codified but ultimately determined by himself and his advisors. Swaziland's Government features both "modern" and "traditional" branches--a cabinet, parliament, and courts which follow Western law, and a tribal hierarchy with "national" courts which follow traditional Swazi law and custom. The Cabinet is appointed by the King from among Members of Parliament and is responsible to him. While Swaziland obtained a constitution containing a bill of rights at independence, it was repealed by King Sobhuza II in 1973 on the grounds that it introduced political practices which were incompatible with the Swazi tradition of decisionmaking.

National defense is provided by the Umbutfo Swaziland Defense Force, consisting of fewer than 3,000 troops. The Royal Swaziland Police is the primary internal security organization. These forces must cope with the spillover from southern African regional conflicts. The use of Swaziland by the African National Congress (ANC) as a transit corridor into South Africa has led to occasional confrontations involving ANC members, South African security forces, and Swazi authorities. The influx of Mozambican refugees has placed an additional strain on the Swazi security apparatus. Both the police and the defense force answer to civilian authorities.

Swaziland has a free-market economy, with relatively little government intervention in the marketplace. The majority of Swazis are engaged in subsistence agriculture. The success of the economy depends largely on the export sector, which is composed primarily of large, foreign-owned firms. Most imports come from South Africa.

While human rights are generally respected in Swaziland, there are important restrictions on free speech, assembly, and political rights. Other human rights problems include abuse of prisoners, arbitrary detention, and discrimination (including violence) against women.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no reports or allegations in 1989 of such killings by agents of the Swazi Government. However, in February three South Africans, believed to be ANC-affiliated, were shot to death in what was thought to be a politically motivated killing. There were unsubstantiated charges, that agents of the South African security forces were responsible; the murders remain unsolved. In June an ANC member was convicted of murdering a Swazi citizen. The ANC member claimed he had shot in self-defense, mistaking the victim for a South African Defense Force agent.

b. Disappearance

There were no reports of disappearance in 1989.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture, as a rule, is not practiced in Swaziland. However, there are occasional allegations made by prisoners of police and military threats and beatings. Complaints generally come from criminal, not political, prisoners. Police have also been accused of transporting persons they have arrested in the trunks of their cars. Defendants occasionally claim that confessions have been extorted by the police and that these confessions are sometimes accepted by the courts. Caning can be administered to youths involved in either petty or violent crimes.

d. Arbitrary Arrest, Detention, or Exile

Swazi law requires warrants for arrests in all but certain exceptional circumstances. These exceptions, however, are poorly defined and, in practice, police who have strong suspicions about a suspect do not normally seek a warrant. Detainees are allowed to consult with a lawyer of their own choice, and provision for bail exists. A 1978 law permits the Government to detain any person without charge for a renewable period of 60 days. Detention under this law cannot be appealed to the courts, though it may be appealed directly to the Monarch. The law, invoked several times in 1988, was again used in 1989.

In February nine persons were detained under 60-day orders for their suspected involvement in a prison escape plot with political overtones. Six of the detainees were released after 60 days, while three had their detentions renewed for an additional 60 days before being released. Two of the detainees were subsequently charged for assisting in the escape and brought to trial.

In July a 60-day detention order was invoked against the Secretary General of the Swaziland Union of Financial and Allied Workers. He was released after 4 days in detention following a public outcry against his arrest.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The modern judiciary consists of the Court of Appeals, the High Court, and various subordinate magistrates' courts which are independent of executive and military control and free from intimidation from outside forces. Some members of the judiciary are not Swazi but are appointed from the bars of other countries with compatible legal systems. In magistrates' courts, the defendant is entitled to counsel at his or her own expense. Court-appointed counsel is provided in capital cases or where difficult points of law are at issue. There are well-defined appeal procedures up to the Court of Appeals, the highest judicial body. The right of appeal, however, is not guaranteed to persons held under the 1978 detention law or to those charged with sedition or an offense against the King.

The right to a fair public trial is provided for by law and is honored in practice, although the court president can order a trial to be held in camera in certain (e.g., rape) cases. The Prime Minister can also require that a trial be held in private, but this is rare. In sedition cases, the Prime

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Minister may order that proceedings be held in camera before a special tribunal appointed by the King. The special tribunal may, if it deems it appropriate, adopt rules and procedures apart from those applied in the High Court. In 1987 King Mswati III issued the tribunal decree, which permitted the formation of a special tribunal to try offenses committed against the King and Queen Mother. This decree permits in camera sessions and forbids the accused from having legal representation. The decisions of the tribunal cannot be appealed. There were no trials by special tribunal in 1989.

Amnesty International's 1989 Report criticizes the 1987-88 treason trial of 10 persons before the special tribunal on the grounds the defendants were not permitted legal representation and were denied any right of appeal. Nine of the 10 persons were given royal pardons in 1988, but one, Prince Mtanasibdi Dlamini, remained in prison at the end of 1989, serving an earlier sentence imposed for obstructing justice.

In traditional courts, where ethnic Swazis may be brought for relatively minor offenses and violations of Swazi traditional laws or customs, legal counsel is not allowed, but defendants may speak on their own behalf. Sentences are subject to a review system and appeal to the High Court and the Court of Appeals. Accused persons who desire counsel can insist that their case be transferred from the traditional courts. There are occasional disagreements over which court system should have jurisdiction in a particular case. By law, the public prosecutor has the authority to determine which court should hear the case. However, there have been instances of the police determining where a case should be tried. Unless the defendant, who may be unaware of his or her legal rights, protests the decision, cases may be tried in the wrong court system, and this fact never comes to light.

Prisoners frequently complain of undue delays in their cases coming to trial. Such delays are generally the result of bureaucratic inertia rather than a deliberate policy. A prisoner charged with motor vehicle theft went on a hunger strike in April to protest a 6-month delay in his case being tried. He was tried and sentenced 2 weeks later.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally requires that a warrant be issued by a magistrate before police may search homes or other premises. However, the law also provides police officers with the rank of subinspector or higher the right to search without a warrant if they have reasonable cause to do so. Generally, this provision is meant to allow the police to obtain evidence that might otherwise be lost through delay in obtaining a warrant. While searches without warrants do occur relatively frequently in Swaziland, the issue of legality of evidence, or of the method by which evidence is obtained, rarely arises in court. While there is no evidence that the Government actively monitors private correspondence or conversation, the Swazi police have been known to apprehend and interrogate persons reported to have made objectionable statements about the King during the course of private conversation or in telegraphic correspondence.

In response to an increase in criminal activity, police occasionally erect roadblocks and conduct generalized, unannounced house searches in attempts to seize weapons and

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illegal immigrants. One such sweep in April resulted in some 248 arrests on charges ranging from illegal immigration status to possession of weapons and drugs.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is limited. A Swazi's main traditional forum for expressing discontent is through his or her Chief, and public condemnation of certain policies and people is not permitted. Criticism of the royal family and of national security policy is forbidden. The media, both government-controlled and private, practice self-censorship, refraining from criticism of sensitive government activities or commenting on controversial issues involving the royal family. Swazi radio and television stations are government controlled, and there is also a semiofficial newspaper. Private companies and church groups publish several newspapers and magazines.

In March four persons were arrested for possession of allegedly seditious literature published by an illegal political party, the People's Democratic Movement (PUDEMO). They included the outspoken leader of the defunct Ngwane National Liberatory Congress (the sole opposition party before the abolition of political parties in 1973) and a trade unionist. The four denied membership in PUDEMO and maintained that they had received the pamphlets unsolicited. Charges against the four were eventually dismissed.

The Government has occasionally proscribed publications, including foreign publications, deemed to be prejudicial to the interests of defense, public safety, or public health. Two major South African publications, banned in 1985 because of critical articles on Swazi domestic politics, remained excluded in 1989. No new bannings occurred in 1989.

Academic freedom is also limited; direct attacks against the royalty or government ministers are not permitted, and certain aspects of government policy (i.e., security) may not be discussed.

b. Freedom of Peaceful Assembly and Association

The King's 1973 proclamation prohibits meetings of a political nature and demonstrations in any public place without the consent of the commissioner of police. In practice, no permit is required for most gatherings. Nevertheless, in 1989 police used this power to stop meetings which were embarrassing to the Government. In March, citing failure to obtain a permit, police broke up a meeting which had been called by residents of a government housing project to protest rent increases. Also in March, the police closed a meeting of the Swaziland National Association of Civil Servants because the organization had not obtained a permit to hold the meeting.

Freedom of association is generally permitted, provided that the organization has no political agenda. Trade associations and professional bodies exist in Swaziland and maintain relations with recognized international bodies in their fields.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Swaziland is hospitable to all religious beliefs, informally considers itself to be a Christian country, and permits a wide variety of foreign missionary activity. Organized religions are free to establish places of worship and train clergy. No licenses are required for such organizations or in order to publish religious texts, nor are there any bars to religious travel outside the country. At the same time, the authorities promote the observance of Swazi customs. When these customs conflict with religious beliefs, problems occasionally arise. Church condemnation of traditional Swazi ceremonies in the past has led to the arrest and deportation of church figures. In 1989 there were several cases of individual chiefs in the rural areas creating difficulties for Jehovah's Witnesses. In one case, a chief ordered the eviction of two families of Jehovah's Witnesses from his territory, claiming that they had sown dissent among his people.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swazis may travel and work freely within Swaziland. Those who have left the country may freely return, and citizenship is not revoked for political reasons. Swazis generally can obtain a travel document to travel in the region, but the Government occasionally refuses to issue a passport if the applicant does not appear to have adequate means of support while abroad. Citizenship for nonethnic Swazis and persons of mixed heritage can be difficult to establish, creating problems in obtaining passports and other civil documents.

Swaziland treats displaced persons from neighboring states well. About 7,000 primarily ethnic Swazis from South Africa, who fled Zulu administration in the black South African homeland of Kwazulu, reside in Swaziland. The last few years have seen a large influx in the number of Mozambican refugees living in Swaziland. While approximately 16,000 were officially registered by the United Nations High Commissioner for Refugees (UNHCR), it is believed that an additional 30,000 or more may have been in Swaziland illegally. Swaziland permits the UNHCR to interview those who seek refugee status and grants asylum if the person can establish that he or she will face persecution if repatriated. Illegal aliens who cannot establish their refugee status, however, can be deported. In practice, many of those refugees indentified for deportation end up serving extended time in detention while arrangements for their repatriation are made. This delay is due to the absence of an agreed repatriation procedure with Mozambique, rather than a policy to penalize illegal immigrants.

As in previous years, the Swazi police arrested a number of ANC activists (primarily South Africans) in 1989. They were turned over to the local UNHCR representative for transfer to countries (usually Zambia or Tanzania) willing to receive them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Swazi citizens do not have the right to change their government through democratic means. Political parties are outlawed, and an organized political opposition does not exist. The King rules in conjunction with the Queen Mother. Traditionally, decisionmaking has been by consensus, with the

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King soliciting advice from the royal family, the senior chiefs, the Cabinet, Members of Parliament, and other interested parties. Still, the King's power is absolute, and he can accept or dismiss advice as he sees fit. Public debate of political matters under consideration by the Monarch is rare. Legislation is passed by the Parliament and is then submitted to the Monarch for assent--which may be withheld. The King can also legislate by decree.

Swazis participate in the selection of Members of Parliament. Parliamentarians (50 in the house and 20 in the senate) are chosen in a complex process involving the interaction of a 7-member electoral committee, 40 traditional districts, 80 electors, and the King's appointive powers. The King can dissolve the Parliament and call new elections, normally held every 5 years. The Parliament serves as a forum for examination and criticism of government policies, but matters are seldom pressed to a vote and, when they are, unanimity is usually the result.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Swaziland prefers to keep a low profile in dealing with nongovernmental human rights organizations. There are no organizations which exclusively promote human rights in Swaziland. The Government was not the subject of any resolutions by official international organizations in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Unique Swazi governmental and social traditions unavoidably create differences between ethnic and nonethnic Swazis. For example, ethnic Swazis from South Africa seeking political refuge in Swaziland are treated much like Swazi citizens and are often given work permits. Those who are not ethnic Swazis are treated as foreigners, and permits are given more reluctantly. A significant expatriate community exists, composed primarily of businessmen and missionaries.

Traditional values are a major influence on the role of women in Swazi society, and the dualistic nature of the legal system complicates the issue of women's rights. A wife's legal rights, for example, differ substantially depending on whether she is married under traditional or civil law. In a traditional marriage, a woman is treated as a minor under the law. She is not responsible for contracts she signs, and she cannot, except in rare instances, hold real estate or inherit property in her own name. She must normally obtain her husband's permission to borrow money, to leave the country, and, in some cases, to take a job. A woman divorced in a traditional court has no right to the legal custody of her children. In traditional marriages, a man can take more than one wife. In some cases, women are compelled by family pressure to marry without their consent, although this practice is decreasing over time. Women who are forced to marry do have legal recourse, but few resort to it, both out of ignorance of their rights and out of fear of ostracism by family members. Wives chosen by the King do not have legal recourse. Because traditional marriage is governed by uncodified Swazi law and custom, women's rights are often unclear and change according to where and by whom they are interpreted.

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Even under civil law, marriage is governed by Swazi law and custom unless the parties to the marriage sign a prenuptial agreement. With a prenuptial agreement, property can be separately maintained, and the wife can enter into contracts and legal proceedings without her husband's consent. A man who marries a woman under civil law legally cannot have more than one wife, although in practice this restriction is sometimes ignored. Divorce does not automatically lead to loss of custody of children for the wife. Rather, custody is awarded according to the interests of the child, and maintenance for wives granted custody is generally provided. Marriage is further complicated by the fact that a man can legally marry a woman in both civil and traditional ceremonies, creating problems in determining which set of rules applies to a marriage. The Swaziland Council of Churches opened a legal aid center in 1988 which provides free information on issues such as marriage and maintenance laws.

Physical abuse of women, particularly wife beating, is frequent. Customarily, a Swazi man has the right and duty to beat his wife and children. Women have the right under the law to charge their husbands with assault, but few know that they can resort to legal remedies. The traditional courts are generally unsympathetic to "unruly" or "disobedient" women. The modern courts are more likely to convict wife beaters, but sentences, even when beating results in death, are frequently light.

In the workplace, the Employment Act of 1980 forbids employers to discriminate among employees based on race, religion, sex, or political affiliation. It requires equal pay for equal work. Even so, around 75 percent of all private sector jobs are held by men, and their average wage rate by skill category is in some sectors three times that of women (1986). The Swaziland Federation of Trade Unions announced in August that it would be forming a special women's wing to address issues of discrimination in the workplace. This wing will focus on the issues of wage discrimination and maternity benefits, as well as other sex-based discriminatory practices.

In August the Ministry of Labour and Public Service announced a new housing policy disadvantageous to women. It stated that married women occupying government houses would have to vacate the houses and live with their husbands, if the husband was not a government employee. Women challenged the regulation as discriminatory, and no effort has yet been made to enforce it.

Discrimination on the basis of religion, language, or social status does not occur to any significant degree in Swaziland.

Section 6 Worker Rights

a. The Right of Association

The Industrial Relations Act (IRA) of 1980 affirms the right of trade unions to exist, organize, and associate freely. Persons in all sectors of the economy, including the public sector, are permitted to join unions. Employers are obliged to recognize a union when it achieves 40 percent membership among employees. Unions are able, within limits, to operate independently of government or political control. This independence is contingent on their acting as economic, rather than political, organizations.

Unions are free to draw up their own constitutions within the

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framework of the IRA. The Act specifies a number of provisions which must be addressed in a constitution. These include provisions for election of officers by secret ballot, annual meetings open to all members, fees, grounds for suspension of members, and expenditure of union funds. The constitution must be approved by the labor commissioner, who can strike out or amend provisions which violate requirements of the law. Unions cannot be dissolved as long as they adhere to the regulations of the IRA. Unions which fail to maintain proper registration with the labor commissioner can be dissolved.

For several years, including in 1989, the International Labor Organization's Committee of Experts (COE) has noted discrepancies between ILO Convention 87 on Freedom of Association and the IRA. The several concerns of the COE include the broad powers accorded government officials to control union activity and the strictures on the ability of workers to form unions and associate with other unions at home and abroad. The COE has called on the Government to bring its legislation into conformity with the Convention it ratified in 1978.

The IRA details the steps to be followed when disputes arise, including what determines a legal or illegal strike. The Act provides for an industrial court, presided over by a High Court judge, for the settlement of employment disputes. The industrial court is empowered to hear and give judgment on disputes and grievances and to enjoin a union from striking. Historically, strikes have been rare in Swaziland. However, consciousness of workers' rights is growing rapidly. When disputes arise, the Government tries to intervene to reduce the chances of a strike, which may not be legally called until all avenues of negotiation have been exhausted. The labor commissioner can then issue a 14-day postponement of a strike, which can be extended upon presentation of further documentation. In October 300 employees of the Manzini town council were fired after going out on strike in contravention of the Industrial Relations Act. Where the national interest is concerned, the Minister of Labor can outlaw a strike or refer the dispute to the industrial court.

In June the Swaziland Union of Financial and Allied Workers (SUFIAW) announced its intention to strike for a salary increase after negotiations had failed to result in an agreement. The industrial court issued an injunction against the strike which the union accepted. Shortly after the injunction order, however, the Secretary General of SUFIAW was detained under 60-day detention orders. A public outcry against his arrest led to his release 4 days later. The industrial court eventually helped negotiate an agreement on wages between SUFIAW and the bankers' organization. In August 500 workers at an agricultural operation were fired when they refused to abandon an illegal strike. There were several wildcat strikes during the year which were resolved without recourse to the industrial court.

The Swaziland Federation of Trade Union (SFTU), the union umbrella organization, is a member of the Organization of African Trade Union Unity. The SFTU also represents Swazi labor in the International Confederation of Free Trade Unions and the Southern Africa Trade Union Coordinating Council.

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b. The Right to Organize and Bargain Collectively

The Industrial Relations Act of 1980 provides for the right to organize and bargain collectively. While collective bargaining does occur, it is not widespread. The IRA has provisions outlawing interference and antiunion discrimination. Disputes in this area are referred to the labor commissioner and the industrial court, if necessary. Employers can prohibit employees from attending union meetings if the union has not achieved the 40-percent membership level required for recognition. However, members of legally recognized unions must be allowed to attend union activities. Although many employers habitually resist recognition and force the issue into the industrial court, the court generally rules in favor of the unions. The Government wishes to avoid labor confrontation and encourages voluntary negotiations between employers and unions. While not antiunion, the Government publicly expresses its concern that labor unrest threatens Swaziland's image as a stable and attractive place for foreign investment.

The ILO COE has remarked on discrepancies between national legislation and Convention 98 on the Right to Organize and Bargain Collectively which Swaziland also ratified. The COE specifically noted the absence of provisions respecting the protection of workers' organizations against acts of interference by employers and the compulsory registration of collective agreements by the industrial court, which may refuse registration in the event of nonobservance of government directives on wages.

There are no export processing zones in Swaziland. Labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Swaziland, and such labor is legally prohibited.

d. Minimum Age for Employment of Children

The Employment Act of 1980 prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed in the firm, or in technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours which can be worked on school days and limits such work overall to 6 hours per day or 33 hours per week. Employment of children in the formal sector is not customary in Swaziland.

e. Acceptable Conditions of work

There is extensive legislation, notably in the Employment Act of 1980, protecting worker health and safety in Swaziland. There is a maximum 48-hour workweek in the modern sector, except for security guards, who work up to six 12-hour shifts per week. There is no overall minimum wage, but rather a sliding scale of minimum wages depending on the type of work. A casual laborer must legally make \$9 a week, while a security guard must be paid at least \$15 per week. The minimum wage for a clerk is \$19, and for a laboratory technician, \$62. Employees receive time and a half for overtime worked. Employees who work on Sundays or public holidays receive

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double pay. Workers receive a minimum of 14 days' annual leave after each period of 12 months of continuous service (21 days for security guards). These standards are generally upheld in the formal sector.

While wage levels in Swaziland are low by Western standards, by African standards most Swazis employed in the formal sector do relatively well, although this is certainly not the case for persons on the lower end of the scale, such as security guards or casual laborers. Most Swazi families also farm and graze cattle on Swazi national land on which their homesteads are erected and from which family income also derives. When this source of income is taken into account, most Swazis can be said to earn a decent living.

The Government sets safety standards for industrial operations and encourages private companies to develop accident prevention programs. Recent growth in industrial production has necessitated more government action on safety issues. In 1986 only 20 safety inspections took place, none in manufacturing industries. By 1988 this figure had risen to 83, with 11 inspections of industrial operations. There were 1,070 industrial accidents reported to the Ministry of Labor in 1988, higher than the figure for 1986 (923), but lower than the 1,275 reported in 1984. Given the rapid growth in industrial employment, the relatively static level of industrial accidents is a sign that safety measures are generally observed.

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The United Republic of Tanzania, formed in 1964 when mainland Tanganyika united with the newly independent island of Zanzibar, is a one-party state. Political direction for the party, the Chama Cha Mapinduzi (CCM), and the Government comes from a party-chosen elite headed by party chairman Julius K. Nyerere, who served as Tanganyika/Tanzania's first President until 1985, and President Ali Hassan Mwinyi, who formerly served both as Zanzibar's President and Tanzania's First Vice President. The CCM under Nyerere lays down fundamental political and economic policies and monitors their implementation. The party attempts to control activity at all levels of society through its system of 10-family cells. The offshore islands of Zanzibar and Pemba are integrated into the Union's governmental and party structure, but the Zanzibar Government exercises a considerable degree of autonomy.

The police have primary responsibility for maintaining internal security. They are supported in this role by the Tanzanian People's Defense Force (TPDF), with some 30,000 personnel, and by paramilitary forces and a large citizens' militia. The Government has tolerated, and has granted quasi-legal status to, vigilante forces in rural areas to counter lawlessness, especially cattle rustling. While the armed forces traditionally have not been a source of human rights abuses, there have been problems with the police. In 1989 they were accused of engaging in severe beatings and torture in the course of interrogations.

Tanzania is one of the world's poorest countries and has one of the highest rates of population growth. Its overwhelmingly agricultural economy has suffered from unfavorable trends in international trade and inefficient economic policies. Reforms undertaken in 1986, including increased prices paid to farmers, rescheduled foreign debt payments, and a sharply devalued currency, stimulated growth rates to an estimated 4 percent in 1989.

A bill of rights promulgated in 1988 provides for, inter alia, freedom of movement, speech, religion, and association, but there has been criticism that it has never been explained fully to the populace. In any event, civil rights are still severely restricted by the Government. All political activity outside the single party is tightly circumscribed. Direct criticism of the party and its chairman is not tolerated. For example, after openly criticizing the party's leadership and policies, former Zanzibar Chief Minister Seif Shariff Hamad was arrested in May 1989 for participating in an illegal demonstration and was held in detention throughout 1989. Six policemen were arraigned for alleged brutality and torture in a suburban police station; by year's end, the Government had not yet brought formal charges against them, and all remained on duty.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

In January 1989, a local newspaper reported that three women were killed near Shinyanga in north-central Tanzania on suspicion of practicing witchcraft. Such mob justice occurs from time to time in both urban and rural areas. The

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Sungusungu and Wasalam, traditional defense groups in north-central Tanzania, are encouraged by both government and party officials to help eliminate cattle rustling in areas too remote for the police. These vigilante groups often execute rustlers and also turn on villagers accused of witchcraft. The Government and the party regularly send officials to this region to try to instill some discipline, but the problem continues. Ironically, the January 1989 killings took place the same day that the regional CCM secretary decried such summary "justice."

The Government has proposed legislation to Parliament which would give formal status to these traditional security/defense groups. Known as the "People's Militia Laws (Miscellaneous Amendment)", the bill seeks to endow the people's militia with powers of arrest and to provide for compensation of militia members for injuries sustained while on duty.

b. Disappearance

There were no reported cases of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the use of torture or inhuman or degrading treatment, and government officials condemn such practices whenever cases are made public. Police, however, routinely "soften up" arrested suspected criminals just after apprehension in order to obtain quick confessions. Further beatings and torture continue if the suspect does not break down. In September 1989, the Dar es Salaam press reported extensively on the death during torture of a suspect whom policemen of the suburban Oyster Bay police station had arrested for stealing a tractor part. A suspected accomplice, tortured in the same room as the deceased, was so badly maimed (by electric cables wrapped around his body like bullwhips which pulled off chunks of flesh when the cables were jerked off) that he had to be hospitalized. He is a witness to the torture killing. Six policemen were charged with assaulting the accomplice; there had been no judicial action in this alleged torture death, however, at the end of 1989.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedure Code, amended in 1985, requires that a person arrested for a crime, other than a security charge under the Preventive Detention Act, be charged before a magistrate within 24 hours. The new amendments, however, also restricted the right to bail, reduced the number of bailable offenses, limited judges' discretion in granting bail, and imposed strict conditions on freedom of movement and association when bail is granted.

Under the Preventive Detention Act, the President, upon written order, can direct the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The Act was amended in 1985 to require the Government to release detainees within 15 days of detention or to inform them of the reason for their detention. The detainee was also allowed to challenge the grounds for detention at 90-day intervals.

Zanzibar was the scene of large demonstrations in May 1988 during which two persons were shot dead by the police. The

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authorities arrested 23 persons following the demonstrations and charged them with participation in an illegal assembly. The 23 were tried in July 1988; 15 were found guilty and sentenced to 18 months in jail, while the other 8 were released.

The most celebrated current Tanzanian detention case is that of former Zanzibar Chief Minister Seif Shariff Hamad, who fell from grace with the CCM for criticizing the party chairman and CCM policies, was stripped in 1988 of his party membership and his job, and was arrested in May 1989, charged with participating in an illegal demonstration, and held without bail. He was later also charged with illegal possession of secret government documents. A hearing in magistrate's court commenced on September 27. The trial continued through the end of the year, with some sessions held in camera at the Government's request so that the secret documents allegedly found in Hamad's possession could be presented. Most of the trial has been public; the defense had yet to present its case at the end of 1989.

In August two student leaders were abducted from the Dar es Salaam University campus center in broad daylight, reportedly by special security services. The students were hustled off to a distant safe house and detained in humiliating circumstances for almost 3 weeks. Under threat of a student strike on university graduation day, the students were released on August 24 and returned to campus. Never officially charged with any offense, it is generally accepted that they were abducted and detained because they criticized a CCM Central Committee member's handling of funds of the Tanzanian delegation to the 13th World Youth and Students' Festival held in Pyongyang, North Korea.

James Mapalala and Mwinyijuma Othman Upindo had been sent into "internal exile" on remote islands in July 1987, having been detained in October 1986 under the Preventive Detention Act (and later redetained under the 1921 Deportation Ordinance) for advocating a multiparty system. They were released in April 1989. The Deportation Ordinance which permitted the President to order the internal exile of these "undesirable" persons was declared unconstitutional by the High Court of Tanzania in 1989. The Court ruled that this Ordinance restricted freedom of movement and thus violated the Bill of Rights. On September 30, the press reported that the Government intended to propose amendments to the Ordinance which would enable a deportee to challenge the deportation order in court in the event requisite procedures were not followed.

Joseph Kasella Bantu, a prominent dissident, was released from house arrest and was reported to be living quietly in southern Tanzania.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Tanzania's legal system is based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Criminal trials are open to the public and the press; courts must give reasons on the record for holding proceedings in camera. Criminal defendants have the right of appeal. Military courts do not try civilians, and there are

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no security courts. Defendants in criminal and military courts may appeal decisions to the High Court.

While an independent judiciary is constitutionally mandated and usually operates independently from the executive branch, the Government exerts influence in some cases. Members of the legal community, including judicial officers, have complained that the legal system is being corrupted through bribery. Police and lower court officials are often bribed to delay the process of investigation and trials. There are reports that the court trying Zanzibar's former Chief Minister Hamad was under pressure to render a conviction. Although the 1985 amendments to the Criminal Procedure Code were supposed to lessen court congestion, an average case still takes from 2 to 3 years to come to trial. Effective May 1989, laws were amended to impose more severe penalties for offenders of the law, including not less than 30 years for armed robbery.

The Government provides legal counsel to those charged with treason and murder. In Dar es Salaam, the Legal Aid Committee of the Tanganyika Law Society and the Legal Aid Committee of the faculty of law at the University of Dar es Salaam offer legal services to indigents, but their resources are limited. Under the Detention Act of 1983, political prisoners have the right to be represented by a defense attorney.

Zanzibar's court system generally parallels the mainland's legal system, but retains Islamic courts to handle Muslim family cases such as divorce, child custody, and inheritance. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. All other cases may be appealed to the Court of Appeals of the United Republic of Tanzania.

According to knowledgeable observers, there were no political prisoners at the end of 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although party membership is voluntary (an estimated 2.5 million Tanzanians are CCM members), the party structure permeates the private lives of all citizens. The CCM has party cadres at all levels of society. Individual cells vary in size from single family homes to large apartment buildings, and may contain from 10 to several hundred persons. Unpaid "10-cell" leaders are the party officials responsible for resolving problems at the grassroots level and reporting any suspicious behavior or event within their neighborhoods to authorities.

Various ordinances allow the removal of undesirable or destitute persons from one area to their prior place of residence or origin if no work is found for them (See Sections 2.d. and 6.c.). It is generally recognized that Tanzanian security services monitor the telephones of several categories of Tanzanian citizens and expatriates and scrutinize correspondence.

The Criminal Procedure Code Act of 1985 authorizes magistrates to issue search warrants to police officers, enabling them to enter premises for the purpose of search and seizure. In practice, however, police and other security services enter private homes and business establishments without the requisite warrant.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of speech and press is provided for under the Constitution, in practice it has continued to be restricted, given the substantial government and party ownership and control of the media. Tanzanian citizens show few inhibitions about criticizing the Government and its officials in private conversations but are extremely cautious in what they say in public forums.

The mainland Government owns the only English-language daily newspaper, the national press agency, and the mainland radio facility. The Zanzibar Government operates a radio station and a television station. The Swahili-language newspaper Uhuru, which has a daily circulation of 100,000, is owned by the party. The Newspaper Act, which allows government seizure of any publication without a warrant and withdrawal of the license to publish at any time, makes the launching of a private newspaper or magazine risky. Despite these restrictions, a privately owned weekly business newspaper and two special interest magazines started publication in 1988.

The official media present the Government's point of view on policy matters. Journalists are expected to understand and support the party's ideological underpinnings of socialism and self-reliance in order to publicize and defend party and government policies. The news media are periodically exhorted to step up their efforts to educate, mobilize, and entertain the public. Formal censorship is not exercised, but individual journalists employ self-censorship in criticizing government and party policy and officials.

Visiting foreign journalists are required to register with the Government and obtain a government permit. Permits and visas are not easily obtained, however, and application is a time-consuming process which often requires intervention from a high level official.

Academic freedom is officially guaranteed, but, in practice, academicians, most of whom are employed in government-run educational institutions, refrain from broaching sensitive subjects in their classrooms and publications.

b. Freedom of Peaceful Assembly and Association

Given the nature of Tanzania's one-party system, the freedoms of public assembly and association are limited. Permits must be obtained through the Government for any public meeting, political or otherwise, and are normally granted. Student organizations are controlled by the party. Under the Societies Ordinance, all associations must be registered with and approved by the Ministry of Home Affairs. Candidates for office in major sports clubs and cooperatives are screened by the appropriate government ministry, which also supervises their elections. No organizations which would compete with party organizations are approved.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Freedom of religion is provided for in the Constitution and is respected in practice. Missionaries are allowed to enter the country freely to proselytize, and Tanzanians are allowed to go abroad for pilgrimages and other religious purposes. The Jehovah's Witnesses, who have been banned in Tanzania for many years, have been allowed to return and to register as an organization and have been permitted to proselytize since 1988. The population of the mainland is roughly 30 percent Christian, 35 percent Muslim, and 35 percent adherents of traditional religions. Zanzibar is overwhelmingly Muslim. While there appear to be no social or political advantages or disadvantages attached to membership in any given faith on the mainland, this is not the case on Zanzibar, where there has been some controversy regarding state support of certain mosques.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from the Zanzibari requirement for documentation for travel between Zanzibar and the mainland, short-term travel generally is not restricted within Tanzania, but citizens must follow national employment directives stipulating the nature of employment and location of residence. For years city dwellers unable to show proof of employment during police checks have been forced to return to rural areas in an effort by the Government to control increasing pressure on urban resources. The Human Resources Deployment Act of 1983 requires local authorities to ensure that every resident within their areas of jurisdiction engages in productive or other lawful employment. Those not so employed are subject to transfer to another area where employment is available. The Government remains concerned with the continuing migration of young people to the cities from rural areas. However, in contrast to earlier years, there were no massive roundups of unemployed youths under the Act in 1989.

Passports are required for foreign travel and can be difficult to obtain. Tax clearances and approval from the Central Bank are required in order to buy airline tickets, and, in practice, those planning to travel or emigrate are subject to intense scrutiny by police and tax authorities. Tanzanians who leave the country without authorization are subject to prosecution on their return. The Extraterritorial Jurisdiction Act empowers the courts to try Tanzanians who commit offenses outside the country. Although it is legally possible for citizenship to be revoked, there have been no reports that this has been done in recent years.

Parliament passed a bill in 1986 requiring the registration and identification of everyone over the age of 10 resident in Tanzania, apparently in an effort to control foreign businessmen.

Tanzania generally has a liberal policy towards refugees and displaced persons. As of the end of 1989 there were believed to be about 266,000 refugees in Tanzania. A more accurate count will be available when the results of a recent census are published. The largest group of refugees is from Burundi. In 1989 the Government jailed 15 Burundian refugees whose repatriation was requested by the Burundian Government for allegedly plotting against it. They were served with a letter of expulsion and by year's end remained in detention

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while the United Nations High Commissioner for Refugees (UNHCR) sought an alternative country willing to resettle them. It is estimated that Tanzania harbors some 5,000 to 7,000 refugees from the African National Congress (ANC) of South Africa.

Tanzania accepts refugees from almost all countries, except for South Africans who have left their liberation movements and Kenyans associated with the opposition in Kenya. However, according to the UNHCR, refugees from Mozambique are subject to intense scrutiny at the border. A number of opposition groups and alleged political refugees have found Tanzania a relatively open haven and maintain contact with the UNHCR, even though chances of finding permanent third-country refuge are remote.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Tanzanian citizens cannot legally remove the party in power or change the one-party system. Political activity is forbidden except within the one legal party, the CCM. Ex-President Julius Nyerere continues to direct the affairs of the CCM through its Central Committee. There are no overt opposition groups. The persons arrested in 1986, sent into internal exile in 1987, and then released in 1989 (see Section 1.d.) were advocates of a multiparty system. Their offense was distributing leaflets calling for a change in the political system.

All candidates for Parliament must be party members; any Member of Parliament stripped of party membership loses his or her seat in Parliament. A 1985 amendment to the Constitution allows voters to choose between two CCM-selected candidates for 75 percent of the 244 seats in the Union Parliament. The remaining 25 percent are appointed by the Government and the various mass organizations associated with the party. The one-party system does not permit political participation through the open nomination of multiple candidates. All CCM candidates are vetted and approved by the all-powerful Central Committee. Voters can and do register dissatisfaction with individual Members of Parliament by voting incumbents out of office and choosing the alternate candidate offered by the CCM. Elections for both the Presidency and Parliament are held every 5 years; the next elections are scheduled for 1990. Voting is by secret ballot.

While membership in the party is voluntary, overzealous CCM functionaries have been known to require proof of membership for individual citizens to receive basic government services or employment, a practice which has been publicly deplored by CCM Chairman Nyerere.

Zanzibar's Constitution provides for a Zanzibari House of Representatives consisting of 50 elected members, 10 members nominated by the President of Zanzibar, 5 regional commissioners, 5 seats reserved for women, and 5 representatives from the party's mass organizations. Those members directly elected (for the first time in 1985) were chosen from a slate of candidates selected by the CCM.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government traditionally has spoken out in international forums against human rights abuses. Tanzania is a party to the United Nations covenants on human rights and in 1984 ratified the Organization of African Unity Charter on Human and Peoples' Rights. Nevertheless, the Government resents inquiries into alleged human rights abuses. There were no outside investigations of human rights violations in Tanzania in 1989, but the Amnesty International Secretary General discussed with the present Zanzibar Chief Minister, Omar Ali Juma, in London in September the question of Zanzibaris in detention without trial. Juma responded that no one was in detention without trial, adding that the Government, however, would not tolerate detractors bent on disrupting the peace. A local legal aid committee provides legal services to indigent clients and conducts educational workshops around the country on Tanzanians' legal rights, but it has conducted no investigations and issued no reports critical of the Government's human rights practices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Official government policy is one of promoting equal rights for all citizens, but tribalism is a factor in Tanzanian politics and, to a lesser extent, social interaction. The African population consists of more than 130 ethnic groups, of which only the Sukuma has more than 1 million members. All ethnic groups have their own language, but the national language is Kiswahili. That tribalism is not a destructive, destabilizing force is in no small measure because of party and government encouragement of ethnic toleration and national unity.

The Asian community has declined by 50 percent in the past decade to about 40,000 (plus 4,000 in Zanzibar). A business-oriented minority in a society historically committed to Socialist policies and remaining both culturally and economically exclusive, the Asians are regarded with considerable antipathy by many African Tanzanians. This antipathy is due in part to the Asians' disproportionate influence in key sectors of the economy. Despite this, there are no laws or official policies discriminating against them. As the Government's economic policies evolve and greater stress is given to the private sector, Asians are encouraged to invest in areas previously reserved for the public sector and are a force in the reawakening economy. Accordingly, there has been a gradual movement of Asians to Dar es Salaam from interior regions, and their presence is more noticeable in the country's political and economic capital.

Although the Government has endeavored to ensure equality for women, and both party and government constitutions endorse equal opportunity in the workplace, society still clings to traditional norms that divide labor along sexual lines with strong biases against women, who work primarily in the informal agriculture sector. Statistics for 1979 showed that over 97 percent of economically active women were engaged in agriculture. Only 5 percent of wage-earning agricultural employees were women, indicating that most women were working on family-level, small-holder farms.

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Progress has been more noticeable in urban areas, where traditional values have a weaker hold on the population, but even there and in the public sector (which employs nearly 80 percent of the entire Tanzanian labor force), certain statutes exist which either prohibit the hiring of women in certain jobs or restrict them to certain times of the day when they are allowed to work. According to a 1986 estimate, women constituted less than 14 percent of the wage employment sector and in 1989 most were still concentrated in lower salaried civil service positions such as clerks, secretaries, and telephone operators. A manpower survey showed that 20.1 percent of high and midlevel positions were occupied by women; they have little access to powerful decisionmaking positions. The overall situation of women is considered even less favorable in heavily Muslim Zanzibar.

Women in many parts of the country continue to suffer from discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and the courts to customary and Islamic law. The Marriage Act provides that women's domestic services are a marital asset to be considered in divorce settlements. Women have no rights to ownership of land or house and are, therefore, hindered in obtaining bank loans for their own business projects, for want of collateral. The Government has established in each ministry a section to promote women's development, and the Union of Tanzanian Women (UTW), a wing of the ruling CCM, has as its declared policy the eradication of inequality for women in all spheres of society. Nonetheless, women continue to be discriminated against in educational opportunities.

The problem of violence against women is widespread. Legal remedies exist but in practice are only available with difficulty. This applies to both rural and urban areas, where traditional customs subordinating women remain strong and are upheld by local magistrates. The husband has a free hand in treating his wife as he wishes, and wife beating occurs at all levels of society. There were no egregious cases reported in 1989, and the Government has no program to inhibit this practice or to induce restraint on the part of husbands.

The practice of female circumcision continued to decline in 1989, according to health authorities. However, nongovernmental sources maintain the practice is on the rise, especially in central Tanzania. It was still performed within approximately 20 of the country's 130 mainland ethnic groups. The health department in the northern region of Tanzania requested the party to intervene to suspend female circumcision rites until those performing them had received medical training on hygiene. This concern apparently stemmed from an overall government program to prevent the spread of AIDS.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to form or join organizations of their own choice. The right of association is limited to one labor union organization, Juwata, which is an organ of the ruling party and to which all unions must belong. Juwata represents about 60 percent of the workers in industry and government, but in reality it has limited influence on labor policy.

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The right of workers to strike exists in law but only after complicated and protracted mediation and conciliation procedures have been followed. There is a process of appeals in labor disputes which leads ultimately to the Permanent Labor Tribunal, which receives its direction from the Ministry for Labor and Manpower Development. If the union is not satisfied with the Tribunal's decision, it can then conduct a legal strike. However, these procedures can prolong a dispute for months without resolving it. Pending a resolution, frustrated workers go on strikes, but the strikes are technically illegal. Small-scale walkouts occur fairly frequently, and large ones less often. Several strikes took place in 1989. These were settled by worker-management discussions, with government and government-controlled union officials intervening in stubborn cases. Although most strikes are in effect illegal, there have been no reports of prosecutions or jailing of strikers.

Although Juwata is a party organ, a degree of independence and choice in leadership has recently evolved. In 1989 the Juwata Secretary-General, Joseph Rwegasira, for the first time was elected by the party. Juwata limits its international affiliations only to regional organizations, such as the Organization of African Trade Union Unity and the East African National Trade Unions Consultative Council.

b. The Right to Organize and Bargain Collectively

Collective bargaining is limited to the private sector. Wages for employees of the Government and state-owned organizations, who comprise the vast bulk of wage-earners, are set by the Government; Juwata does not bargain collectively on behalf of government employees.

At the local union level, Juwata promotes employee welfare by filing grievances against employers, usually over pay disputes. Union rights are incorporated into law, specifically the Security of Employment Act. The law is enforced, but the line between the Government and the government union can be difficult to discern. Grievances which cannot be settled in the workplace are taken to the Permanent Labor Tribunal. The Committee of Experts of the International Labor Organization (ILO) has observed that the current provisions requiring the Permanent Labor Tribunal to approve collective agreements are not in conformity with ILO Convention 98. The Government has indicated that a draft Labor Code is under study with the technical assistance of an ILO expert.

There are no export processing zones in Tanzania.

c. Prohibition of Forced or Compulsory Labor

The Employment Ordinance prohibits forced labor. For a number of years the ILO Committee of Experts has observed that provisions of various Tanzanian laws are incompatible with ILO Conventions 29 or 105 on forced labor. The Human Resources Deployment Act (1983), for example, requires every local government authority to ensure that able-bodied persons over 15 years of age not in school engage in productive or other lawful employment. Previously, there were massive police sweeps in Dar es Salaam's streets to round up persons who had no evidence of employment. The legislation has been interpreted more leniently recently, however, and no such roundups of urban unemployed occurred in 1989. The dialog

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between the ILO and the Government on the alleged use of forced labor continued in 1989, with the ILO seeking modification of particular legislation (such as the 1983 Human Resources Deployment Act).

d. Minimum Age for Employment of Children

Children under the age of 15 are prohibited from working under Section 77 of the Employment Ordinance. This provision applies only to the formal wage sector in both urban and rural areas, however, and not to children working on family farms or herding domestic livestock. A young person between the ages of 15 and 18 may be employed provided the work is safe and not injurious to health, and young people are not allowed to work between 6 p.m. and 6 a.m. Enforcement is sporadic at best.

e. Acceptable Conditions of Work

Tanzanian workers work a 40-hour, 6-day week. In general, women may not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace, including the Factories Ordinance, the Accidental and Occupational Diseases Notification Ordinance, and the Workmen's Compensation Ordinance. With the assistance of the ILO, an occupational health and safety factory inspection system is in place managed by the Ministry of Labor and Manpower Development. According to Juwata, this Ministry makes inspections and enforces safety regulations.

The minimum wage for government workers on the mainland is the equivalent of \$14.31 a month. Juwata recently negotiated with the Association of Tanzania Employers an increase in the salaries of employees of the private sector of between 12 and 28 percent. The agreement signed by the two organizations benefits workers whose companies are members of the Association. Current salaries, even though increased from time to time, are not sufficient for a worker to sustain an adequate standard of living. Housing and transport allowances, food subsidies, and other benefits help, but government and public corporation salaries at all levels are very low. Current economic conditions, particularly with the devaluations of the shilling in June and December 1989 (which drove up the price of imports), a large and unproductive civil service, and a Government with limited, even diminishing resources, all militate against a meaningful and adequate rise in the minimum wage.

There is no legal discrimination in wages on the basis of sex, but in practice discrimination occurs. Enforcement of labor laws and regulations is erratic, impeded by corruption and the inefficient functioning of government machinery. The vast majority of Tanzanians are subsistence farmers and are not affected by current government labor regulations and safeguards.

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Since seizing power in a military coup in 1967, President Gnassingbe Eyadema has molded Togo into a single-party, authoritarian state. The President dominates all branches and functions of government. In addition to serving as Head of State, President Eyadema is Chief of Staff of the armed forces and head of the only political party, the Rassemblement du Peuple Togolais (RPT). All Togolese are considered members of the RPT and are obligated to vote, but only active party members can gain high government posts. The Eyadema Government rules by decree and considers its legal authority to be based on the Constitution of 1979 which was formally adopted by referendum. This Constitution established a National Assembly whose role, while continuing to evolve, is still primarily to adopt all governmental decrees sent to it. One-candidate presidential elections held every 7 years have reconfirmed President Eyadema's rule.

The Government's authority is reinforced through control of the state security apparatus: the armed forces, the National Police (Surete), and the Special Police (gendarmerie). All these forces have domestic security responsibilities.

Approximately 80 percent of Togo's 3.3 million people are involved in agriculture. In 1989 excellent rains produced an abundant food crop, and prices for two of Togo's major exports--phosphates and cotton--were higher. Cocoa and coffee, however, continued to suffer from depressed prices, and overall government receipts were lower than projected, leading to a budget deficit. Nevertheless, by continuing to control expenditures and comply with performance criteria under a World Bank-sponsored third structural adjustment program, Togo remained attractive to foreign donors for essential grants and loans.

Human rights in Togo remained tightly controlled in 1989. Major concerns included abuse of prisoners and detainees, arbitrary detentions, lack of fair trial procedures in security cases, and restrictions on freedom of speech, press, and assembly and the right of citizens to change their government. Amnesty International (AI) raised the issue of torture in several cases, and the Government again forcibly repatriated several persons. On the other hand, the 2-year-old Togolese Human Rights Commission, with the President's support, continued its high-profile campaign to familiarize all Togolese with their rights under the law and the limitations on official authority. In addition, the Commission continued to receive and investigate individual complaints (115 cases in 1989, though many did not pertain to human rights issues), with most being resolved after the Commission's intervention, including cases involving police brutality. President Eyadema also continued his personal campaign against high-level corruption and abuse by dismissing the Justice Minister and his security chief for malfeasance.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings in 1989.

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b. Disappearance

In 1989 there were no reports of disappearances. Prior to 1989 there were several abductions of persons opposed to the regime in neighboring countries who were forcibly returned to Togo, presumably by Togolese security agents. The 1988 case of John Pass has never been clarified. The Government claims he was killed by Ghanaian border guards. AI has received some reports that he was returned to Togo and tortured.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture of suspected opponents of the Government has been a serious problem. AI's 1989 Report details several 1988 cases, including the case of Celestin Zekpa who had been sentenced to death in absentia in 1986 for security offenses and who had been forcibly returned to Togo in October 1988 from Benin.

Under the continuing campaign by the Togolese Human Rights Commission against official abuses, reports of beatings of detainees (once considered normal practice) have dropped to a few isolated cases. With President Eyadema's backing, the Commission now reports well-founded allegations to security commanders who reportedly actively investigate the cases and punish officers found guilty through methods such as loss of pay or reprimand in front of colleagues. No formal procedures for the punishment of abusive officers have yet been established. Conditions probably have not improved significantly for detainees in rural areas or for detainees in military facilities.

d. Arbitrary Arrest, Detention, or Exile

Under Togolese law, persons arrested may be held for 48 hours incommunicado without charge, with an additional 48-hour extension if the case is deemed serious or complex. Most detentions follow this requirement. However, persons accused of "political crimes," such as defaming the President, can be arrested and detained incommunicado without limit. Such persons have been routinely charged as "administrative detainees," a status not permitting recourse to normal legal remedies.

After being charged, prisoners are often held for long periods of time--in some cases 6 months or more--before being brought to trial, owing more to a shortage of judicial personnel than an intent to evade required judicial procedures. Although not guaranteed a right to counsel under law, detainees are routinely permitted to retain counsel, if they can afford it.

Prefects (governors) continue to have the de facto authority to order detention at will. Security officers also continue to have unrestricted arrest and detention powers in cases involving national security.

Arrested and detained members of the military and Special Police are processed through the military judicial system. While in the past this system had no outside appeal mechanism (aside from the President), military detainees now have the right to bring their cases before the Togolese Human Rights Commission.

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The number of political detainees was unknown but believed to be small at the end of 1989. There are a number of political exiles in neighboring countries and in Europe.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Procedural safeguards needed to ensure fair trial are lacking in security/political cases. The regular judicial system for criminal and civil cases uses both African traditional law and the Napoleonic Code. In rural areas, the village chief or council of elders can try minor criminal and civil cases. Those who do not accept the traditional ruling can take their cases to the regular court system, which is also the starting point for urban cases. The Supreme Court stands at the apex of the court system, but decisions can be appealed to the President, who is the final arbiter.

The judicial process includes pretrial investigation undertaken by a special judge who must examine the adequacy of the evidence and decide on bail. While the number of judges is inadequate, the system functions well and in as timely a manner as possible for routine cases. Trials are public, and judicial procedures are followed. Defendants have the right to counsel, but only in potential capital punishment cases will the Government appoint a counsel for those unable to afford it. Lower court decisions can be appealed to two higher courts, then to the President.

Special courts exist to handle cases related to public security (State Security Court), embezzlement of public funds (Tribunal for Recovery of Public Funds), and violent crimes (Court of Assizes). While the State Security Court has not met in 3 years, a 1989 case involving malfeasance by Togo's ex-police chief may be tried there. Persons who embezzle money in large sums are generally not released from jail, even after serving their sentence, until the money is repaid.

Togo's judicial system is not independent of the executive, as the President can and does intervene in cases of special interest and determine outcomes. For example, before the judicial process could be completed, President Eyadema gave a full pardon to the ex-Minister of Justice who had been sentenced by a lower court to 2 years' imprisonment for taking part in a scheme to rig the national lottery.

Togolese exiles in Ghana claim that there are a number of political prisoners in prison. The 19 prisoners, who had been kept incommunicado at a military base since their alleged role in trying to overthrow the Government in September 1986, were transferred to the civilian prison in Kara in October 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In routine criminal or civil cases, searches of private residences are authorized in advance by a judge or senior police official. In national security cases, searches are undertaken without prior authorization. The authorities continue to open mail and monitor telephones. A Government network of informants keeps a check on actual or perceived opponents. Religious publications of the Jehovah's Witnesses often disappear in the mail. All Togolese are automatically

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members of Togo's sole political party and required to vote, but no one is forced to take an active party role.
 Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Direct criticism of the Government, and especially of the President, continues to be perceived as serious antigovernment activity and is not tolerated. However, there is an increasing tendency for academicians, jurists, and human rights advocates to discuss in open meetings (usually sponsored by Western embassies) such once-forbidden topics as limitations on executive power, single-party politics, and freedom of expression. In addition, the President's high-profile anticorruption campaign, which felled several high-ranking officials, has permitted a very vocal and widespread public discussion about official abuses and government corruption.

The Government continues to dominate the print media and control radio and television. A new, privately published periodical appeared in Lome in November. This was made possible by the acquiescence of the Government and the high-profile campaign by the Togolese Human Rights Commission for broadening freedom of expression. The Government continues to use its media to project a positive image of the President and Togo, while at the same time participating fully in condemning public corruption and abuse of public trust.

There is government censorship of all films, video cassettes, books, plays, and other writings published in Togo. Some bookstores, however, sell a wide range of books, including those containing veiled criticism of the system of government. Foreign publications are offered for sale openly in bookstores and street corners, and even editions which criticize Togo or portray negative images of the Government or Head of State are sold.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is strictly controlled in Togo. Government approval must be obtained for the formation of any official groups and for large group meetings. This process is an effective means for preventing any antigovernment groups from meeting. Government permission for nonpolitical events and the formation of professional or charitable societies is given routinely and expeditiously.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government's policy is to permit Togolese to participate, if desired, in religious activities. To operate officially, religious groups must receive permission from the Ministry of Interior by qualifying under one of seven broad categories. Qualifying groups are not restricted in their religious practices. They are free to publish religious material, conduct services, and teach their faith. Non-Togolese clergy are welcome to reside in Togo, proselytize, and engage in other religious activities.

Currently, the Jehovah's Witnesses and several small Apostolic/Celestial groups have been denied official

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permission to practice their beliefs. While this has prevented these groups from publicized, open worship, they continued in 1989 to exercise their faith in private without government interference. Based on a complaint from the Jehovah's Witnesses, the Togolese Human Rights Commission was involved at the end of 1989 in discussions with the Government regarding the certification process.

One publisher was prevented from selling calendars which used Christian names instead of African names.

Local religious groups are free to maintain contacts with coreligionists in other countries, and no restrictions exist on travel for religious purposes. All official religious services are ecumenical in nature. The Government does not favor any specific religion, and membership in any authorized religious group is neither a benefit nor a hindrance in civil service promotions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Free movement, including domestic and foreign travel, emigration, and the right to change residence or workplace, is generally allowed. However, the Government controls the issuance of passports and exit visas to discourage the emigration of professional Togolese and to keep known political dissidents under close scrutiny. The Government maintains customs and security checkpoints throughout the country on all major routes. Except for the few political exiles, Togolese who have chosen to reside in other countries may return at will.

Togo has traditionally welcomed refugees, and the United Nations High Commissioner for Refugees (UNHCR) currently recognizes some 420 refugees in Togo. However, some refugees from countries with which Togo enjoys good relations are reluctant to register with the UNHCR for fear that their government will receive information about them. In 1988 the Government forcibly returned a Chadian recognized by the UNHCR as a refugee. According to AI's 1989 Report, he was extrajudicially executed shortly after return to Chad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Togolese cannot change their government through democratic means. While all Togolese are members of the single political party, and active party members may debate minor issues at party meetings and raise complaints against local officials, no challenges are permitted to the Government's programs. Presidential elections were held in 1986, the second since 1979. President Eyadema, the only candidate, was elected for another 7-year term with 99.7 percent of the votes cast.

The National Assembly, created pursuant to the 1979 Constitution, has 77 members and has the right, in theory, to accept or reject laws originated by the executive branch. In fact, the Assembly has never rejected any proposed legislation, and most laws are by acclamation. Nevertheless, members of the Assembly see their institution in evolution, with a gradually increasing national role. In the 1985 National Assembly elections and in elections held in January 1987 for municipal and prefectural councils, multiple

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candidates were permitted to run, but each candidate had to obtain party authorization and submit campaign literature for approval.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has shown increased awareness of human rights issues in recent years, largely by facilitating the establishment of the Togolese Human Rights Commission. The Commission continued in 1989 to increase the scope of its activities and the range of its investigations with the support of President Eyadema. The Commission is composed of 13 members, one each elected by 13 private and public bodies, e.g., judges, doctors, teachers, trade union officials. It is authorized by law to receive complaints from any Togolese citizen or foreign resident, to investigate such complaints, and to have access to government and police files. If a violation is found to exist, the Commission is also authorized to negotiate with the responsible governmental authority either to bring about rectification or to submit the case to the courts or to the President. Commission members enjoy immunity from arrest or prosecution during their term of office and for 1 year afterwards. The Commission is careful not to criticize the Government as such, but it has been helpful in specific cases (see Section 1.c.).

International human rights organizations have been able to communicate directly with the Commission concerning individual cases. In 1989 the Commission received three inquiries from AI--one concerning an alleged disappearance in 1986 and two allegations of torture during 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Before President Eyadema's seizure of power in 1967, all influential groups within Togo were dominated by southern ethnic groups. The President, himself a northerner, has advocated a strong affirmative action policy within the Government--ministers, governors, and other high-level officials are appointed proportionally to the ethnic mix of the population. The exceptions are the security forces, which are dominated by northern ethnic groups, and commerce and the professions, which continue to be the preserve of southerners. There is no known discrimination on grounds of religion.

Togolese women have formal equality with men under the law, and women's economic and social rights are spelled out in the "Family Code" which was adopted in early 1980. In the economic sphere, women dominate local market activities and commerce with Togo's neighbors and often amass considerable wealth. Unlike civil law, however, customary or traditional law gives all property to the male in the event of separation or divorce. Similarly, although women are legally allowed to acquire contraceptives and undertake family planning, custom and tradition prohibit women from access to contraception without the permission of their husbands or fathers.

Far fewer women than men receive university education, and the number of women graduates from secondary schools is low. In addition, the pensions of working women who die do not go to their families, unlike those of working men. Although working

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women pay into the pension fund in the same proportion as men, their children receive no funds in case of death, creating a special hardship for families with no father. Economic conditions in rural areas often leave women little time for anything other than carrying water, finding firewood, cooking, childbearing, caring for the family, and helping to raise food crops.

Violence against women, including wife beating, is outside the bounds of accepted behavior, and mechanisms exist within both the traditional extended family and formal judicial structures for redress. Female circumcision is practiced by a few northern ethnic groups but is gradually diminishing. While the Government has undertaken a campaign to make women throughout Togo aware of their expanded opportunities under the new family code, it has not specifically addressed the issue of violence against women or female circumcision. The UNFT, the government-sponsored women's organization, is the principal means of publicizing women's health, educational, and welfare issues.

Section 6 Worker Rights

a. The Right of Association

Togolese are not free to form or join unions of their own choosing since such organizing is permitted only under the auspices of Togo's sole official labor union, the National Confederation of Workers of Togo (CNTT). The CNTT is one of the three components of Togo's only political party and unites various independent trade unions into one national labor organization. All wage earners are automatically members of the CNTT, and all pay dues through an automatic check-off system. At the end of the year, this automatic dues payment was still suspended; and the account remained frozen while the Minister of Finance investigated financial mismanagement by the CNTT.

The International Labor Organization's (ILO) Committee of Experts (COE) for a number of years has criticized the fact that Togolese law names the CNTT as the exclusive beneficiary of the compulsory deduction of trade union dues. While recognizing that the Labor Code places no obstacle in the way of trade union pluralism, the COE concluded that the effect of the compulsory dues provision for the CNTT is to establish a trade union monopoly. The COE has requested that the Government remove this exclusivity so as to bring its legislation into conformity with ILO Convention 87 on Freedom of Association, which Togo has ratified.

Strikes are authorized only as a means of last resort but rarely, if ever, take place. The Government acts as arbitrator in cases where labor and management cannot settle a dispute. The few strikes which have occurred in the past have been short and ended as a result of government arbitration. The Government has not had to use coercion, force, or arrests to end strikes.

The CNTT is a member of the Organization of African Trade Union Unity and the Organization of Trade Unions of West Africa. It is not otherwise affiliated internationally although it maintains ties with international and national trade union organizations in both East and West. Individual Togolese unions are affiliated with Western-oriented international trade secretariats.

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b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize outside the CNTT. The CNTT is not an independent union and basically conveys the Government's views and requirements to workers. It does have a role in the wage bargaining process and does, on certain issues, present the workers' economic interests to the Government. It also takes the workers' side in disputes with private employers. Labor legislation and practice is uniform throughout the country. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Although the law is silent on the question, forced or compulsory labor does not exist. There are, however, occasional early morning mobilizations of the populations in larger towns and cities to clean streets and pick up trash.

d. Minimum Age for Employment of Children

Under the Togolese Labor Code, the employment of children under the age of 14 in any enterprise is prohibited. Some types of industrial and technical employment require a minimum age of 18. These age requirements are generally enforced in urban employment by inspectors from the Ministry of Labor. However, in rural areas even very young children traditionally help their families with agricultural work or animal husbandry.

e. Acceptable Conditions of Work

Labor practices in Togo are regulated by the 1974 Labor Code. The Code stipulates that there should be equal pay for equal work regardless of sex. Working hours of all employees in any enterprise, except for agricultural enterprises, should not normally exceed 40 hours per week; at least one period of 24 hours of rest per week is compulsory; and workers should receive 30 days of paid leave each year. Minimum wages are set by the Government after discussions with CNTT and officials of the Ministry of Rural Development. These discussions cannot be characterized as true bargaining agreements. The minimum wage in the agricultural sector is about 20 cents per hour, and in the nonagricultural sector about 25 cents per hour. The amounts are not sufficient for workers to maintain a decent standard of living, and minimum wage workers supplement their incomes through second jobs or through some subsistence farming. Larger enterprises must run a regular medical service for their employees.

Health and safety standards in the workplace are determined by a technical consulting committee at the Ministry of Labor, and there are penalties for employers who do not meet the conditions. Ministry enforcement of the various provisions of the Labor Code is limited. These provisions are respected by large enterprises, but smaller firms and the large agricultural sector do not maintain them. Due to Togo's significant unemployment, few workers complain about conditions.

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The National Resistance Movement (NRM), led by Yoweri Museveni, took power in 1986 following a 5-year guerrilla war against the Obote and Okello regimes. The NRM declared that it would rule as an interim government for 4 years and then turn power over to an elected government. In October 1989, the National Resistance Council (NRC) extended the interim period for an additional 5 years, citing delays caused by a 3-year old insurgency. President Museveni, backed by the military, serves as chief executive, Minister of Defense, and Chairman of the NRM and NRC. Thirty-eight unelected members of the NRC exercise a strong influence on the body and dominate the Government's policy organ, the National Executive Committee (NEC).

The security apparatus is composed of the National Resistance Army (NRA) and the police. The 65,000 strong NRA, a disciplined force during its earlier days, absorbed thousands of soldiers from previous regimes as part of the Government's policy of reconciliation with former opponents. Consequently, discipline declined, particularly in the contested areas in the north and east where several serious incidents of NRA abuse of authority were reported in 1989. NRA soldiers and deserters committed hundreds of burglaries, automobile hijackings, and other crimes throughout the country. The police force now numbers over 13,000 and is expected to rise to over 20,000 by the mid-1990's. Meanwhile, the military continues to perform many police tasks. The Internal Security Organization (ISO) and military intelligence, both entirely staffed by the NRA and both involved with combatting internal subversion, have been accused of human rights violations.

Uganda is dependent on coffee for over 95 percent of its export earnings and was seriously affected in 1989 by the further collapse of coffee prices and the demise of the international coffee quotas. In fiscal year (FY) 1988/89, Uganda received over \$550 million in foreign grants and concessional loans--twice what it earned from exports. Producer prices for farmers and wages for salaried workers are extremely low. Uganda has participated in International Monetary Fund structural adjustment programs since 1987. In 1989 the NRM leadership reaffirmed its goal of privatizing a number of state enterprises and promoting the private sector. Although gross national product grew by an estimated 7.2 percent in FY 1988/89, per capita income and production remained well below levels reached in the late 1960's.

Disrespect for the rights of civilians by all parties to the military conflict in the north and east remained pervasive in 1989. Credible reports of civilian casualties, illegal detentions, and torture by the NRA continued. The rebel Ugandan Peoples Army continued to assassinate local Resistance Council officials while remnants of the Holy Spirit Movement (Section 1.g.) continued their practices of forced recruitment, kidnapping, and summary executions. Other abridgements of human rights in Uganda included laborious trial procedures, restrictions on freedom of speech, assembly and association, and the inability of citizens to change their government. The Government formed a Constitutional Commission to prepare a draft constitution by 1992, but later extended the NRM's interim period through 1995. President Museveni announced a personal commitment to end the problem of illegal detention of suspected rebel opponents or sympathizers ("lodgers") (see Section 1.d.). Although an estimated 1,500

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lodgers remain in custody, over 1,000 were released in August. Nationwide elections to the National Resistance Council and local resistance councils were held in February and March using the queuing method in lieu of the secret ballot. The Government also established two commissions of inquiry to investigate egregious incidents of NRA atrocities against civilians. At year's end no results had been announced.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Most political and other extrajudicial killings occurred as a consequence of military conflict between the NRA and opposition elements, and there was clear evidence that all parties engaged in such killings (see Section 1.g. for details). As fighting in the north and east declined in the latter part of 1989, the number of killings fell.

b. Disappearance

Reports of disappearance, common under previous regimes, markedly declined under the NRM Government. Many persons thought to be missing turned up as lodgers (see Section 1.d.). The lack of an institutionalized process of identifying prisoners held as lodgers seriously hampered efforts to account for missing persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman treatment are not sanctioned by Ugandan law, but for many years extreme forms of torture took place at detention centers, particularly military barracks where political prisoners were often held illegally. There are credible reports that the NRA engaged in inhuman treatment and torture in its own detention centers which remained outside the effective jurisdiction of Ugandan law. In quarterly reports for 1989, the Ugandan Human Rights Activists (UHRA) stated that military interrogators routinely administer torture in Room 68 of the central police station. The UHRA quarterly report for April through June 1989 offered the names of persons who allegedly were tortured to death by military interrogators at Makindye barracks, Mbuya barracks, and Basima House in Kampala. An Amnesty International (AI) report on Uganda also documented instances of torture in military barracks, at the Kampala headquarters of military intelligence, and at the offices of the Internal Security Organization.

The "three-piece tie," a form of torture which entails tying a person's arms behind the back until the elbows meet, is still used by military interrogators, even though President Museveni has declared it to be against official government policy. This painful procedure can lead to gangrenous infections of the hands and arms as well as rupture of the breastbone and asphyxiation. A variant on the three-piece tie, called the "suitcase" or "briefcase," in which, following a three-piece tie, the feet are tied back, is also used. The victim is then dragged on the ground or suspended in the air by a rope. Human rights activists report that the three-piece and

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suitcase ties are employed on prisoners held by the NRA in military barracks, by the NRA-staffed ISO and by military intelligence. In October 1988, six members of the ISO were arrested in connection with the death by torture of a civilian in their custody. The six were released in early 1989 for lack of evidence. No NRA soldier or security official was known to have been charged for torturing prisoners in 1989.

Unlike the situation in military barracks, physical abuse in civilian prisons is relatively rare, but chronic shortages of resources and overcrowding have resulted in substandard conditions. The Government permitted the International Committee of the Red Cross (ICRC) to visit prisons throughout the country and took a number of steps to improve conditions.

d. Arbitrary Arrest, Detention, or Exile

The problem of "lodgers"--persons from the insurgent areas who are suspected of being rebels or rebel sympathizers and held indefinitely without charge or benefit of due process of law--continued in 1989. The number of lodgers declined from nearly 3,000 in January 1989 to fewer than 1,500 by the end of the year, however. In June President Museveni called upon the NRA and the local resistance committees in the insurgent areas to speed up the screening of lodgers. In August over 1,000 lodgers were released. The Government has detained among the lodgers a number of children between the ages of 13 and 15. Many were released in 1988 and 1989 but an estimated 100 were still being held at the end of 1989.

Persons may be detained in political and security cases under the Public Order and Security Act of 1967, which permits unlimited detention without charge. In 1989 no one was charged under this law.

Exile is not used as a means of political control. The Government announced a general amnesty in June 1988 which remains valid for rebels not guilty of crimes against civilians. In 1989 several thousand rebels who surrendered to local authorities in accordance with amnesty provisions were treated humanely, confined to reeducation camps, and screened. Many were subsequently released, although several hundred remain in rehabilitative detention.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The court system consists of magistrates courts, the High Court, and the Supreme Court. The Ugandan judicial system contains procedural safeguards modeled after British law, including the granting of bail and the right to appeal a verdict to a higher court. Members of the legal profession are highly educated, and are generally committed to giving the accused a fair public trial. A systemic shortage of resources and manpower ensures that the process is slow and inefficient, however. Criminal investigators lack everything from transport to forensic aids to pens and paper. Judges are too few in number to handle the huge backlog of cases and are hampered by a lack of such basic tools as equipment for recording court proceedings. In most cases, evidence at trials is recorded in long hand by the presiding judge or magistrate. The result of the investigative and judicial delays is that individuals charged with capital offenses typically wait 2 to 3 years or more for a verdict.

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In June the NRC passed a controversial bill which would bypass the normal judicial processes in regions declared to be under a state of insurgency. The bill is designed to end the detention of lodgers by creating special magistrates courts in areas of insurgency which would expedite verdicts on suspected rebels or rebel sympathizers. The new courts would consist of five persons: a magistrate, two persons appointed by the district RC chairman, and two NRA officers. They would be empowered to hear capital cases and impose the death penalty.

If implemented, the new law would considerably erode many legal guarantees to a fair trial. Search and seizure of evidence by the NRA or police would be permitted in insurgent areas without a warrant. Suspects would be held indefinitely, without formal charges, while their cases are being investigated. Bail would not apply. Hearsay and uncorroborated evidence would be admissible. The burden of proof could be shifted to the accused at the discretion of the court. As fighting in the north and east dropped off during the latter half of 1989, the new law was not put into effect. But it remains on the books should the President officially declare a region to be an insurgent area.

Other than the lodgers, Uganda is currently holding no prisoners for purely political offenses. The trial of Charles Kagenda-Atwooki, former Secretary for Information of the Uganda People's Congress (former president Obote's party) is still pending. Atwooki was granted bail in September 1988. When arrested in 1987 Atwooki was charged with engaging in acts of terrorism and possessing seditious materials. The terrorism charge has since been dropped. Joel Walehwa, arrested and held incommunicado by security officials in 1988 prior to being formally charged with treason, was released in September after all charges against him were dropped.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the NRM, interference by authorities with personal privacy and family life has greatly diminished. Roadblocks, which had been places of terror under previous regimes when unruly soldiers could rob and extort at will, are far fewer in number and no longer sites of abuse. Criminal elements are present in the NRA, but they must act in secret because theft is strictly punished under the NRA code of conduct. Nonetheless, NRA soldiers are commonly implicated in such crimes as the hijacking of private vehicles and armed robbery. In the contested areas of the north and east, NRA soldiers turned to stealing, looting, and other abuse of their authority. Although required by law, search warrants are rarely obtained.

There was no indication that the Government interfered with private correspondence in 1989.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The civil conflict between the Government/NRA and disparate rebel groups in the north and east continued throughout 1989 (although at a reduced level late in the year) and resulted in massive violations of humanitarian law by all parties. In the north, remnants of General Basilio Okello's army have waged guerrilla war in the countryside, and, in the east, the rebel Ugandan People's Army (UPA) has conducted terrorist operations.

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AI cited a report from a Resistance Council (RC) chairman in Gulu which described the deaths of 88 civilians at the hands of the NRA between December 7 and 25, 1988. According to the report, in one incident 45 civilian prisoners were forced into a grass hut and then burned to death. Both AI and the UHRA concluded that the incidents were not isolated but part of a larger pattern of similar abuses which took place in Gulu during the period under review. The then Army Commander, Major General Elly Tumwine, condemned the incident and announced that a commission of inquiry had been formed to investigate it. No results had been announced by the end of 1989. In July NRA Major Kategara ordered cordon and search operations in Kumi District. Kategara's Special Brigades committed widespread abuses, including the burning of farms and the indiscriminate killing of civilians. The rampage through Kumi culminated in the death by suffocation of 69 suspected rebels who had been detained in railway cars in Mukura. The then NRA Commander Salim Saleh accepted blame for the railway deaths and admitted that the civilians killed in the railway cars had been innocent. Fourteen soldiers involved were placed under arrest pending the findings of a commission of inquiry. Again, no results had been announced by year's end. President Museveni subsequently toured the region and offered his condolences to the families of the victims.

Another 50 civilians were killed in Soroti during similar cordon and search operations in July. In the village of Tubur, 30 kilometers south of Soroti, 18 people were reported killed at the home of a man named Emesu. Most were cut to death with long blades known as pangas. While residents blamed the NRA, the army has been willing to admit only that some civilians may have died in a crossfire.

The UPA rebels continued their program of terror and assassination against members of local government Resistance Councils in eastern Uganda which has claimed the lives of dozens of RC officials in recent years. Similarly, remnants of the Holy Spirit Movement (HSM) rebels continued their practices of kidnaping, forced recruitment, and summary executions of opponents. A common HSM tactic was to raid secondary schools to force boys to serve as rebels or porters and girls to serve as sexual captives. Those who refused to cooperate were often hacked to death. Victims of insurgent/bandit forces were most often rural civilian inhabitants rather than military forces. At least several hundred persons died in such raids and ambushes. On Ugandan Independence Day, October 9, the Rwenzururu rebel group, which advocates independence for the Bakonjo people of the Rwenzori mountains, attacked a subcounty headquarters in Kasese killing several civilians including a subcounty chief and the chairman of the subcounty Resistance Council.

During 1988 and early 1989, NRA policy in Gulu and Soroti was to burn granaries and intentionally displace civilians to deny support to the rebels. As a result, there were over 100,000 displaced persons in northern and eastern Uganda in January 1989. As security improved later in the year, the NRA reversed itself and encouraged farmers to return to their villages.

The ICRC provided considerable emergency food aid to the displaced, but assistance to 25,000 displaced persons in Soroti was cut off early in 1989 after an ICRC relief convoy was ambushed by rebels. A Ugandan worker employed by ICRC was

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killed, and three others were injured in the attack. Rebels also attacked the United Nations High Commissioner for Refugees' (UNHCR) Sudanese refugee camp at Ajumani in an effort to loot food stores. Transportation of relief supplies in the north and east was seriously impeded by sporadic rebel/bandit ambushes.

In September President Museveni hosted a 4-day meeting of the National Resistance Army Council at State House. As in the past, the President stressed that soldiers are expected to obey all laws and that violators of the NRA code of conduct would be severely punished. Hundreds of NRA soldiers are detained in Luzira prison in Kampala and at various military barracks for a wide variety of crimes, with armed robbery being the most common. NRA soldiers guilty of gross indiscipline face the death penalty. Three soldiers convicted of rape in Atiak were executed by firing squad in February. Two soldiers were executed by firing squad in June for armed robbery and murder of civilians committed in Gulu. In November three soldiers were executed in Kumi district after being found guilty of committing murder and rape in Ngora town 3 days before. The total number of such executions in 1989 is not known but is estimated at 15 to 20.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech in Uganda is restricted by the ban on partisan political activity and government sensitivity about press reports covering the activities of armed opposition groups and allegations of NRA abuses. Political parties may not hold press conferences or organize rallies and other functions at which party officials would speak. Party-originated criticism is more freely expressed in the press. The Democratic Party (DP) maintains a party newspaper, *The Citizen*, which is often critical of government policy as is a DP-affiliated magazine, *The Exposure*. Throughout the interim Government's rule, DP leaders have tried to sidestep the ban on party activity by issuing circulars describing the party's positions. Three such circulars were released in 1989 without incident.

Over 15 newspapers publish a wide range of viewpoints covering the political spectrum. This coverage includes reporting of human rights violations, the ongoing civil war, and alleged corruption by government and army officials. The Government supports an official paper, *The New Vision*, which, despite its affiliation, has reported accurately and at times aggressively on allegations of human rights abuses by the NRA. While criticism of government policies is common, journalists know that direct, personal criticism of the President is forbidden. Journalistic standards tend to the sensational, and some papers show little regard for accuracy.

In 1989 the authorities did not detain or charge any journalist for criticizing the Government. The Government has attempted, however, to intimidate critical journalists in previous years, e.g., Francis Odida, editor of the *Sunday Review* in 1988 on charges of treason, apparently for writing an article sympathetic to the Holy Spirit rebels. In 1989 it continued with new attacks against journalists accused of false reporting intended to cause harm to the Government. In August Tony Awano, reporter for the newspaper *Focus*, was arrested and charged with publishing libelous information

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against NRA Col. Kyaligonza. Awano was released on bail pending trial. The editor of the newspaper Citizen, Joseph Kigundu, faces four such libel cases, one of which was incurred in 1989, and is also free on bail. In March the NRM Political Commissar urged journalists to develop a code of conduct to improve journalistic standards. In August the Minister of Information called newspaper editors to his office to warn them to desist from reporting "alarmist and seditious stories."

b. Freedom of Peaceful Assembly and Association

Permits for public gatherings must be obtained from police authorities, who have the right to deny the permit in the interest of public safety. The ban on the activities of political parties has greatly restricted their ability to congregate. In October the Government denied permission to the Democratic Party to celebrate its 35th anniversary in a public meeting.

Private, trade, labor, religious, professional, and ethnic associations are not impeded.

c. Freedom of Religion

There is no state religion in Uganda. Christianity, Islam, and African traditional religions are freely practiced. Conversion between religions is not obstructed. There is no government control of religious publications, even those with an antigovernment bias. Foreign clergy are welcomed in Uganda and are not discriminated against by the Government. President Museveni met with religious leaders of various denominations several times during 1989 and assured them that the NRM respects the separation of church and state.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In theory, Ugandans may work or live anywhere in the country and move about freely within it. In practice, travel in areas of northern and eastern Uganda in 1989 remained difficult due to sporadic attacks by rebels and armed bandits. Freedom of movement improved in the latter half of the year as security was restored to more regions. More than 100,000 formerly displaced persons in Gulu and Soroti district have returned to their villages (see Section 1.g.). There are no restrictions which prevent Ugandans from emigrating or from engaging in foreign travel. Mismanagement in the immigration department resulted in a complete shutdown of passport issuance in September and October, however.

In the early 1980's Uganda was the second largest generator of refugees in Africa. Virtually all of the more than 300,000 Ugandan refugees who fled to Zaire, Rwanda, and Sudan have returned. Indeed the trend has reversed. Because of rebel activity by the Sudanese People's Liberation Army, over 50,000 Sudanese refugees fled across the border to refugee camps in northern Uganda, the majority in early 1989. There were no instances of forced repatriation or resettlement of refugees with asylum in Uganda in 1989. When a group of 238 Ugandan refugees were forcibly repatriated from Kenya in April 1989, the Government detained some 60 of them. About half of the 60 persons were screened by the Government and released within a month. The others participated in a political reeducation/rehabilitation course and were released before the

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end of the year. In December several dozen ethnic Somalis, many of whom claimed to be Kenyan citizens, sought political asylum in Uganda. As of the end of the year neither the UNHCR nor the Government had decided their cases.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ugandans do not have the right to change their government by democratic means. The current form of government, known as the Resistance Council system, was instituted by the NRM after it took power in 1986. Having originally pledged to restore elected government by 1990, the NRM has now said it will give up power to an elected government under a new constitution in 1995. In the interim, President Yoweri Museveni, who has sought no electoral mandate to legitimize his rule, exercises control by virtue of his chairmanship of the NRM/NRA and his control over the military. He has appointed a large and broad-based Cabinet which includes leaders from all major ethnic, religious, and political groups.

In 1986 the NRM established the National Resistance Council as its Parliament. Until 1989, it was exclusively made up of appointees: 38 historical members (the vanguard of the NRM, who are popularly known as the "bushmen") and government ministers. In February and March 1989, the NRM held nationwide elections to the local resistance councils (except in Gulu where no elections were held for security reasons) and to the National Resistance Council. While elections at all levels were competitive and all citizens were eligible to vote or stand for office, voting was by queuing, i.e., citizens indicated their preference by lining up behind their candidate. The new NRC thus consists of 258 persons: the 190 elected members; the 38 "bushmen;" 10 appointees from the NRA; and 20 additional presidential appointees. Effective power, however, continues to be exercised by the President. Representatives from many tribal, religious, and political factions, including prominent individuals from previous governments, were elected to local and regional resistance councils as well as to the expanded National Resistance Council.

A 21-member Constitutional Commission became operational in 1989 and embarked on a series of constitutional seminars which will take it to all of Uganda's 702 subcounties by 1991. The stated goal is to involve all Ugandans in the constitution-writing process. Constitutional issues were prominently discussed in the press throughout 1989, with a wide variety of views on the future system of government being expressed.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Respect for human rights is one of the cardinal principles on which the NRM came to power and continues to serve as a basis of the regime's legitimacy. As a result, the Government is sensitive to international public opinion and has shown a willingness to discuss human rights problems with international human rights organizations. AI representatives visited Uganda in January and subsequently issued a report, Uganda: The Human Rights Record 1986-1989, which received considerable attention in the local press. Government leaders felt that the report was overly critical in some areas. In May President Museveni met with AI representatives to discuss

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it. In July the Minister of Justice met with diplomats to answer publicly charges made by AI and explain the Government's human rights policy. The attention given to the problem of lodgers by domestic and foreign human rights groups and by diplomatic observers may have influenced the Government's pledge to end the lodger problem.

The ICRC continued to operate in Uganda in 1989. ICRC delegates visited prisons, traced missing persons, and assisted in family reunification as well as providing relief in conflict areas. In late 1988 and early 1989, ICRC was permitted to visit military barracks where many political detainees are held. ICRC also conducted human rights seminars for the NRA.

The Office of Inspector General of Government (IGG) was established by the NRM in 1986 to investigate government corruption and human rights abuses in the current administration. The IGG focused its efforts more on the former than the latter in 1989. Investigations into abuses alleged to have been committed by the NRA in the insurgent areas are conducted by the NRA itself. The IGG has no role or investigative machinery to conduct investigations in this crucial area. An independent human rights organization, the UHRA, also monitors human rights developments in Uganda. While the Government had been hostile to the group in previous years and imprisoned its Secretary General in 1987-1988, relations improved significantly in 1989. Government officials, including several ministers, participated in the two human rights seminars that the UHRA sponsored in 1989. UHRA publishes a magazine, *The Activist*, and produces quarterly reports on human rights without government interference. The Uganda Human Rights Commission, appointed in 1986 by Museveni to investigate human rights abuses under previous regimes, continued its information-gathering activities in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Africans of three ethnic groups--Bantu (south), Nilotic (north), and Nilo-Hamitic (east)--constitute most of the population. Ethnic cleavages, tribalism, and religious intolerance underlie much of the cycle of war and political strife that has plagued Uganda for decades. The NRM Government has publicly repudiated tribalism and has introduced policies to prevent discrimination in housing, employment, education, and social services based on race, sex, religion, language, or social status. It has advocated national reconciliation, stating that all citizens are Ugandans first and foremost. This goal is symbolized by efforts to include at least 1 representative from almost every major tribal, regional, and religious group in the NRM's 76-member Cabinet.

Women played an important role in the NRA's bush war, serving as soldiers, intelligence operatives, and support personnel. The NRM created a Women's Development Secretariat charged with educating and politicizing Ugandan women, as well as a National Council of Women which is part of the Ministry of Local Government with responsibility for coordinating the activities of women's groups throughout Uganda. Women's overall status shows significant variations between ethnic groups. Women are not legally discriminated against or officially restricted from seeking education or employment.

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Even in urban areas, however, their access to education declined disproportionately with the deterioration of the educational system and economic stagnation. There are significant wage differences in favor of men in similar positions held by men and women.

The NRM has committed itself to the protection of women's rights. Domestic violence against women is a relatively common practice in Uganda, however, and the Government has not comprehensively studied the issue. Women seldom report such abuse to the authorities. Traditionally, problems such as wife beating are adjudicated by tribal or village elders. Women in cities can turn to the courts but very few do. The Ugandan Association of Women Lawyers is an affiliate of the International Federation of Women Lawyers (FIDA). It founded a legal clinic in Kampala in 1988 to provide counseling and advice to poor women. The Association is working to promote respect for the rights of women and has formed a committee to study the issue of domestic violence. Female circumcision is not practiced by most Ugandan ethnic groups and has been actively discouraged by the Government where it does occur.

Section 6 Worker Rights

a. The Right of Association

Under Ugandan law, all workers, with the exception of skilled employees in the civil service, have the right to form unions. The National Organization of Trade Unions (NOTU), Uganda's independent national labor federation to which all unions are by law affiliated, held its first free elections in 5 years in early 1986 and began rehabilitating regional union structures. Membership in NOTU-affiliated unions numbers approximately 100,000 out of 240,000 workers employed in private and state-owned industries. Relations between the Government and NOTU are cordial. President Museveni met with the NOTU leadership in May and expressed his support for the labor movement. NOTU's influence on the overall economy remains marginal since over 90 percent of the Ugandan work force consists of peasant farmers. Even among industrial workers, high inflation and lack of transport have made it difficult for individual unions to organize, especially outside the major commercial centers of Jinja and Kampala.

The Government recognizes the right of workers to strike but prefers that they first exhaust more conciliatory methods of resolving labor disputes. Several strikes took place in 1989 including actions by bank employees, workers at Lugazi sugar works, and the employees of Ugil textiles. All were settled peacefully.

The most notable strike of 1989 was by the faculty and staff of Makerere University. As skilled civil service employees they may not unionize or strike. When their employee association nonetheless called a strike in May to highlight their demand for a "living wage," the Cabinet threatened to dismiss them and evict them from university provided housing. At the last minute, President Museveni intervened and arranged a settlement.

NOTU is affiliated with the Organization of African Trade Union Unity.

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b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is recognized by law and established in practice. Union officials are not harassed, and unions have access to the industrial court. Under the Trade Disputes, Arbitration and Settlement Act, the industrial court hears and arbitrates trade disputes referred to it by either the Minister of Labor or the parties to the dispute. Through this mechanism disputes involving unions representing textile, postal, and railway workers were resolved in 1989. For some years the ILO Committee of Experts (COE) has noted that employees of the Bank of Uganda, "who cannot be considered to be public servants engaged in the administration of the State," do not enjoy the rights guaranteed by ILO Convention 98 on the Right to Organize and Collective Bargaining which Uganda has ratified. The COE has requested that the Government take steps to rectify the situation. There are no export processing zones in Uganda.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law. Under the NRA code of conduct, soldiers tried by military tribunals can be sentenced to forced labor as part of their punishment. There have been reports of forced labor at NRA camps where captured rebel soldiers are "rehabilitated."

d. Minimum Age for Employment of Children

Most of Uganda's 16 million people live in rural areas on subsistence farms. In the modern wage sector the legal minimum age for employment is 12 years except for light work which the Minister of Labor may exempt. There are legal restrictions on employing persons under 16 years of age in mining and night work, except in the case of apprenticeship. Enforcement of minimum age restrictions is limited, but few children are employed in the wage sector due to the scarcity of jobs and the large pool of unemployed adults. Many children, however, work as market boys, car washers, and street vendors in the towns.

e. Acceptable Conditions of Work

The normal workweek is 48 hours. Time and a half must be paid for each additional hour worked. Wages are unrealistically low compared to the cost of living. An entry level clerk in a government ministry could expect to earn about \$9 per month at the parallel market exchange rate, which is the rate at which goods are priced. The nominal minimum wage is \$4 per month at this rate. A large bunch of matoke bananas (a staple crop) costs \$2 and a pair of leather shoes costs \$60. Anything that has to be imported is prohibitively expensive for the average wage earner. Thus, workers must either find a second job or grow their own food to be able to feed their families and pay primary and secondary school fees. Medical care is supposed to be provided by employers but is generally lacking. Occupational safety and health standards have been legislated, but in practice labor laws are seldom enforced.

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In 1989 President Mobutu Sese Seko completed 24 years as President of Zaire, a huge, poor country with widely disparate ethnic, cultural, and linguistic groups, whose transition to independence in 1960 was marked by extensive civil strife. He is founder-president of Zaire's sole legal party, the Popular Movement of the Revolution (MPR). Legislative power is in principle vested in the elected unicameral Legislative Council, but the President has the constitutional power to promulgate laws by decree, which he did on several occasions in 1989. The party doctrine is defined by the Constitution as "Mobutuism." All citizens are members of the MPR from birth. The Executive Council (Prime Minister and Council of Ministers), the Legislative Council, the judiciary, and the only legal labor union are all considered organs of the party. Legal political activity is limited to the party and its affiliates. The focal point of the party and the Government is the party's Central Committee (148 members) which meets semiannually.

An overlapping array of security organizations, notably the civilian National Documentation Agency (AND), the National Immigration Agency (ANI), the gendarmerie, the civil guard, and the armed forces (especially military intelligence--SARM) share responsibility for identifying and controlling potential internal and external threats. Their broad powers and uneven discipline have resulted in arbitrary harassment, physical mistreatment, and unauthorized detention of ordinary citizens as well as political opponents of the Government. In May the Government placed four of the security services (AND, ANI, SARM, and the civil guard) under the authority of the State Commissioner for Territorial Security and gave that position to a highly respected general. Late in 1989, this official took preliminary steps toward implementing effective coordinating mechanisms which could enhance the discipline of these forces.

Zaire has a mixed economy involving an active private sector and an extensive but declining number of state enterprises. Major mining, transportation, and communication activities are still largely state owned. About 70 percent of the population is rural, engaged in subsistence agriculture using traditional methods of farming. Per capita income is approximately \$180 per year, among the world's lowest, and is declining further as population increases faster (3 percent per year) than economic growth (2 percent per year). Zaire's communications and transportation infrastructures are greatly eroded, making communication between the institutions of government in the capital and distant outlying regions increasingly difficult. Inflation reached high levels in 1988 and early 1989 due to government deficit spending. The implementation of new economic policies, aided by high copper prices, had brought inflation down from over 20 percent per month to about 3 percent per month. In June 1989, Zaire launched a new International Monetary Fund stabilization program. The first half year review by the World Bank and the Fund showed positive performance within their guidelines. Still, the economy remains vulnerable to changes in world market prices of its commodity exports; mining industry income is crucial, and the sharp 1989 drop in coffee earnings hurt the structural adjustment effort.

Human rights in Zaire continued to be circumscribed in 1989 in such basic areas as freedom of speech, press, assembly, and integrity of the person. The Government continued to take

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actions, including arrest and internal exile, to quash activities of members of the principal internal opposition group, the Union for Democracy and Social Progress (UDPS), who advocate the establishment of a second legal political party. In 1989 police and military personnel frequently abused their authority and arbitrarily arrested, detained, and extorted money from civilians. To demonstrate its concern over the problems of indiscipline and criminal activity within the police and military, the Government held separate, highly publicized trials in September, in which soldiers as well as civilians were convicted of violent crimes and condemned to death, a most unusual sentence in Zaire.

Through the Judicial Council and the Department (Ministry) of Citizens' Rights and Liberties (DCRL), the Government continued in 1989 its efforts to prevent human rights abuses. The Judicial Council (a super-ministry of justice also charged with administration of the court and penal systems) continued successful efforts initiated in previous years to moderate prison conditions, regularize arrest authority and procedures, and hear public grievances. The stated mission of the DCRL, which is directed personally by the senior Vice Prime Minister, is to defend citizens' rights when all other legal recourse has been exhausted. It was able in 1989 to resolve a number of cases of a civil nature (titles to land and contract disputes) but has exhibited little capability for systemic redress of human rights abuses, and its role in the judicial process is increasingly unclear.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killings

There were no reported cases of politically-motivated killings in 1989. However, while quelling student-led disturbances in February, security officials killed a number of students (see Section 2.b.). Three officials subsequently were tried and convicted for using excessive force.

b. Disappearance

There were no confirmed reports of disappearance of persons for political causes, but at year's end the whereabouts of Mangala Ngolu-Ndaki, a UDPS activist, were unknown. Mangala traveled with President Mobutu to the United States in October. He has not been seen by his family since the trip, but human rights observers believe he was being held incommunicado by the Government. There were unconfirmed reports that some students arrested after January-February demonstrations were flown to unknown destinations in the interior, and either imprisoned or released. The security services often hold detainees incommunicado for varying lengths of time. Observers sometimes hear of a person's disappearance, but less often of eventual reappearance. The number of those who may have disappeared, for political or other reasons, is unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture and physical mistreatment of detainees are against the law and contrary to officially stated policy, in

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practice beatings and other physical mistreatment of prisoners and detainees continued during the year, some involving UDPS members held at high security prisons. Nonpolitical prisoners are also subject to abuse, and private citizens are often beaten and robbed by security officials. A 1989 ordinance issued by the President suggested that the Government intends to take legal action against members of the security services in instances of inhumane treatment or torture, which it has rarely done in the past. By year's end it was too early to tell how effectively the new measures would be implemented, particularly in cases involving abuse of political dissidents.

Hunger and disease have been common in Zaire's prisons in past years. The Judicial Council continued to introduce measures to improve conditions in Zaire's prison and judicial systems, including the establishment of a special commission to supervise prison administration. In those prisons under the Council's jurisdiction, funding was increased to provide prisoners two meals a day, beds, blankets, and medical supplies. These measures, in addition to those taken earlier, have brought improvement in Kinshasa and in other major cities. Their effectiveness in outlying areas is less certain, and they have no effect on the military prison system where political detainees are likely to be held.

The International Commission of the Red Cross (ICRC) also has helped to improve conditions in civilian prisons by providing basic medical supplies and clothing. They funded the establishment of a dispensary at one prison. Throughout 1989, the ICRC was allowed access to most prisons. An exception was the prisons controlled by the Special Presidential Division (DPS).

d. Arbitrary Arrest, Detention, Exile or Forced Labor

By law, those arrested by a judicial police officer must be brought before a magistrate within 48 hours for an initial hearing and determination of sufficient grounds for arrest. If this determination is positive, the magistrate can order bail or preventive detention for up to 15 days. The case must be brought up for review by a three-magistrate body within 5 days of the defendant's preventive detention. If the decision is upheld, the case is ordered to trial when the investigation is completed. The law stipulates that these periods of detention may be extended only in exceptional cases. In practice, arbitrary arrest and prolonged detention without charges are common occurrences, affecting many people who come into contact with the criminal justice system. Suspects are often arrested and held for months without a hearing, often incommunicado. In an effort to reduce the frequency of these occurrences, Judicial Council personnel are in principle supposed to visit prisons and detention centers each night to take detainees before a magistrate within the required 48 hours. Because of the lack of personnel and communications and transportation problems, it is not always able to achieve this objective.

Police and military personnel continued to abuse their authority in 1989 and frequently harassed, arrested, and extorted money from civilians. The civil guard arrested a number of local and foreign businessmen on false charges or for questionable, albeit common, Zairian business practices. They were held in detention until bribes were paid.

Persons with financial resources are known to buy their way out of detention without charges ever being filed. Moreover,

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a person with money or strong political ties is often freed before serving his sentence, regardless of the gravity of the crime committed. On the other hand, detainees and prisoners without financial means or political influence often remain in custody indefinitely without ever going to trial.

The President of the Judicial Council pursued efforts to enforce a series of presidential ordinances enacted in 1988 to rein in corruption and abuses by police and security officers. These ordinances regulate arrest authority and procedures and cover all officials with arrest powers from police or security agencies. The Council has attempted to require all arresting officials to take an oath to uphold the law and to act solely within legal authority. After taking the oath, each is assigned a number and given a photographic identification card that must be presented when carrying out an arrest, search, or seizure. Citizens have the theoretical right to see the identification card. The ordinances specify the powers and duties of these officers, including limits on arrest authority, and requirements to arraign detainees within 48 hours. Thus far, the impact of these ordinances has been limited. Judicial police officers under direct Judicial Council control and the gendarmerie have taken the oath. The civil guard and ANI have not. The AND administrator general has notified the Judicial Council that AND officers, while not signing the oath, recognize the legal obligations contained in it.

Most persons detained for political reasons are held by means of nonjudicial sanctions ranging from administrative detention and house arrest to internal exile and restriction of movement and travel. They are not formally charged or tried, remaining in detention or internal exile until the President or one of the security service officials chooses to release them. Although such arrests and detentions are not usually a matter of public record, the whereabouts of the more important detainees are usually known, although sometimes not acknowledged by the Government.

In recent years, the Government has engaged in actions (using both internal exile and prison detention) to both curb and co-opt the members of the primary banned internal opposition party, the UDPS, back into the MPR. Fifteen UDPS members were understood to have been arrested in January. The Government appeared especially sensitive to UDPS activity during and after the February student demonstrations. In August the U.S. Embassy gave the DCRL and Judicial Council a list of 10 UDPS members or associates believed arrested in July and still held. No response was received by the end of 1989 despite several follow-ups. The number of UDPS or other political detainees remaining in that status was unknown at the end of 1989. In November, Amnesty International (AI) estimated that there were about 100 UDPS dissidents being held in all of Zaire.

As in past years, UDPS leader Tshisekedi wa Mulumba was kept under various degrees of arrest, house arrest, or surveillance during most of 1989. On July 7, for example, he was arrested while attempting to travel to his brother's consecration as a bishop in central Zaire. He was released on July 11, but has been under de facto house arrest since then, his access to visitors frequently has been denied.

A delegation of the New York-based Lawyers' Committee on Human Rights visited Zaire at government invitation in August. The

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delegation visited a number of Zairian government officials and, though denied permission to see Tshisekedi, did talk to numerous other critics of the Government. During and after their visit, security forces arrested a half dozen of the dissidents with whom the delegation met. Four of those arrested have been released. One of them, Omene Samba Gauthier, has addressed a complaint about his treatment to the United Nations.

A small number of opponents of the Government live in self-exile in Europe, including the former chief of staff, General Mukoba, who, according to AI's 1989 report was expelled from Kinshasa without a formal banishment order. There were no known cases of external exile or expulsion of Zairians from the country in 1989. Political opponents in exile probably could return safely to Zaire if they were prepared to keep their political views to themselves.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Zaire's highly centralized Government exercises control over the judiciary, principally through the Judicial Council. The legal system is rooted in Belgian and customary law. The modern court system includes the Supreme Court, Courts of Appeal in each region, and the Court of State Security.

Defendants are entitled under the Constitution to a public trial and defense counsel. Counsel must be engaged (at public expense if necessary) in all trials before the Supreme Court and before lesser courts (including courts martial) in capital cases. Free legal aid may also be provided in other cases at the request of the court concerned.

The availability of counsel is limited in many lesser civil and criminal cases by the poverty of the defendants and by the fact that there are less than 500 lawyers in all of Zaire. A number of attorneys in Kinshasa, in conjunction with the bar of Kinshasa, provide pro bono defense, and two government-subsidized offices in Kinshasa were established in 1989 to provide legal advice to the poor. When available, defense counsels generally function freely and without coercion. Most defendants who are aware of their rights avail themselves of the right to appeal. Decisions of the State Security Court involving national security, armed robbery, and smuggling are not subject to appeal; but all other procedural protections of the criminal code apply. While courts-martial generally try only cases involving military personnel, in time of emergency or during military operations the President can suspend civilian courts and transfer jurisdiction over all cases to them. In practice many security-related cases never come to trial.

At the political level, all judges are members of the MPR and are subject to party discipline. Thus, while judges in fact perform their functions without political interference in the great majority of cases, in sensitive or highly politicized cases they operate under implicit or explicit constraints from the executive or security forces. At the daily operational level, some magistrates and lawyers accept bribes, applying the full rigor of the law only to those who are unable to pay. The salary received by magistrates, as in the case of members of the security services, is so low as to foster this

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corruption. At the end of 1989, the Government raised magistrates' pay significantly in an effort to stem corruption.

There is an ongoing effort by the President, the Judicial Council, and leaders of the legal profession to improve the judicial system, and extend its effectiveness beyond Kinshasa. In October President Mobutu signed a decree dismissing four judges of courts of first instance, a counselor of the court of appeals, and a public attorney, for refusing to work in the interior of the country as ordered.

The Department of Citizens' Rights and Liberties (DCRL), created in 1986 to redress citizens' rights when all other legal avenues had failed, began operation in 1987. It has a central office and district offices in all of Kinshasa's 24 urban zones and has 32 offices throughout the rest of the country. During 1989 the DCRL Minister completed a series of highly publicized visits to these regional offices and personally participated in hearings of the grievances of individual citizens. DCRL representatives noted that lack of adequate transportation and other resources had hampered their effectiveness in outlying areas, and the Minister has sought financial support from Western donors with some success.

The great majority of cases handled dealt with such subjects as labor conflicts, title to land, execution of judgments, and inheritance. Perhaps one-quarter to one-third concerned human rights abuses, such as arbitrary arrests, prolonged detentions, illegal seizures, and abuses by security forces, but few results have been achieved to date in such cases. In September President Mobutu issued two ordinances, one authorizing the DCRL to bring civil suits against security services or their representatives on behalf of alleged torture victims, and a second forbidding the Supreme Court from considering appeals of DCRL decisions. The second ordinance, while apparently designed to strengthen the DCRL's power to redress individual grievances, also circumscribed the Supreme Court's power of judicial review, with uncertain consequences for the operation of the Zairian judiciary.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

All Zairians automatically become members of the MPR at birth. Party and state security organizations extend down to the neighborhood level, and they maintain liaison offices in all government agencies (including military units, universities, the legislative council, and ministries). Party officials, civil servants, armed forces personnel, parliamentarians, and employees of state enterprises are taxed to support the activities of the party's major organs (cadre training, mobilization, propaganda, women's affairs, and youth). These party cadres are required to attend the party's training institute. Absence can result in reprimands and suspensions. Government employees, market vendors, and blue-collar workers are often required to participate in public events--parades, official arrival and departure ceremonies, etc.--or risk losing their jobs. In line with the party-state's ideology of Zairian authenticity, Zairian men are forbidden to wear ties. Zairians also are forbidden in principle to use non-African names, although this provision is not normally enforced.

Except in cases of threats to national security, the law requires the police to have a judicial warrant before they can

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search a home. In practice, police and security authorities often enter and search homes without such warrants. Zairians widely believe that the security services sporadically open mail and tap telephone conversations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the Constitution provides for the right of all citizens to express their opinions and feelings freely, it subordinates that and all other rights to the need to ensure "public order and good conduct." Since Zairians are automatically members of the sole political party (MPR), the ideology of the MPR is the only legally acceptable political thought. The MPR ideology comprises the views and policies of the party's chairman and founder, President Mobutu Sese Seko, but is not necessarily defined in great detail.

The Government continued to make arrests in 1989 for possessing or distributing political literature or documents that it found objectionable, including those outlawed under a Zairian law forbidding the distribution of "pamphlets of a foreign origin or inspiration and of such a nature as to damage the national interest" (see Section 1.d.).

Radio and television are owned and operated by the State. The major newspapers are privately owned but depend upon significant government subsidies for survival. In addition, they receive most of their news from the Zairian National Press Agency (AZAP), a state organization. The media are expected to promote the ideals and principles of the party and praise its leadership. Generally, publishers and editors are active party members. Commentary on domestic or foreign issues which the Government considers sensitive generally is discouraged, and direct criticism of the President is forbidden. While journalists are circumspect in their criticism of other high officials as well, criticism of incompetent officials or inadequate government services and corruption frequently appears in print.

Media censorship tends to be self-imposed. Zairian journalists must be members of the press union in order to practice their profession. The threat of ouster from the union and consequent loss of livelihood are strong inducements toward self-censorship. In some instances involving national interests, reporting is directed by the Government. For instance, the Department of Information at one point circulated a memorandum directing the media not to editorialize on Zaire's political and economic differences with Belgium. In March Makoko Musheni was dismissed from the government-owned Radio and Television Agency for quoting a Jeune Afrique article on Zaire's difficulties with Belgium. Kafuka Rujamizi was dismissed from the Agency for reporting on the evolution of fuel and transport costs. Both men and another journalist fired for critical reporting, Mikiti Kombi, have been rehired, but none is currently in a broadcasting position.

The Government also uses other techniques to control the media, including detention. In early 1989, Lumpungu Kanyinda, the editor of a regional paper, was arrested, though criminal charges against him later were dropped in favor of a civil suit. No closings of newspapers were reported in 1989. There are several clandestine presses that operate sporadically,

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printing flyers and handbills critical of the Government and various Zairian leaders.

Foreign journalists wishing to visit Zaire must receive prior permission from the Department of Information. Artistic and academic freedom of expression are subject to the same restrictions and self-censorship as the press. Mandatory membership in professional organizations and well-developed informer networks serve to discourage dissent. Some books are prohibited, and films, newspapers, and magazines are subject to banning. Imported publications, including books and periodicals, are subject to censorship if they criticize Zaire or its Government, although articles criticizing aspects of the Government's economic policy have circulated uncensored.

b. Freedom of Peaceful Assembly and Association

Groups other than the party and its affiliates may hold public meetings only with government authorization. The Government permits the existence of nonpolitical associations, but in principle they must notify authorities when they plan meetings or activities involving more than 5 people. In practice this is rarely enforced. Meetings of nonofficial organizations have been disrupted by government agents because of suspected political activities. UDPS leader Tshisekedi, in a letter to the Commissioner of State for National Defense and Territorial Security, complained that at 10 p.m. on January 17 military intelligence had arrested nine persons at a reception which he had just departed.

In February student demonstrations in Kinshasa, which had begun with complaints over transportation, and Lubumbashi took on a more political tone. After the students resorted to violence, including stoning and burning cars and buses, the Government responded with a massive deployment of security forces. Some units reportedly fired on demonstrating students. Reports of the number killed ranged from 2 to over 20, with scores of students injured, but these figures could not be confirmed. The Government itself criticized the excessive security force reaction against the student demonstrations in Lubumbashi. On April 24, the press reported that two army officers and a noncommissioned officer had been convicted (a major for "allowing troops under his command to open fire on students," and a corporal for "murder") for their roles in putting down the Lubumbashi demonstrations. It was unknown if the sentences had been carried out by the end of 1989.

For a discussion of freedom of association as it applies to labor unions, see section 6.a.

c. Freedom of Religion

Freedom of religion is recognized in the Constitution, the Government officially sanctions most major world religions, and religious practice is generally free. Zaire's population is overwhelmingly Christian, though indigenous beliefs and religious traditions exert a major influence. Catholics make up 50 percent of the population, and Protestants, including the local Kimbanguist Church, 36 percent. Five percent of Zairians are Muslims. Officially recognized religions are free to establish places of worship and to train clergy. Most churches maintain active links with coreligionists outside the country, and expatriate missionaries are allowed to proselytize and to serve both Zairian and expatriate

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congregations. Affiliation with a recognized religion confers neither advantage nor disadvantage with respect to secular status.

Despite the general freedom of religion, the party-state ideology on occasion has been interpreted as requiring the individual to place loyalty to the State ahead of religion. In 1989 President Mobutu canceled church services one Sunday to assure attendance at a political event. New churches are required to obtain government recognition to operate freely, and that recognition has been difficult for less well-known churches to obtain. Adherents to sects not officially recognized by the Government can find themselves at the mercy of local officials.

Traditional African religious groups are allowed to practice their beliefs, but are not officially recognized. The Jehovah's Witnesses and a number of other religious groups and sects, banned in 1986 on charges of fraud or subversive activities, remained banned in 1989. These groups are considered antigovernment because of their refusal to recognize national symbols, such as the flag and the national anthem, or to participate in political ceremonies.

A government report issued in April 1988 indicated that 357 sects and churches were operating illegally in Zaire. The Government ordered them closed until such time as the authorities give them permission to function. The report noted that the Constitution recognized the rights of religious associations as long as their activities were not contrary to the law or public order. A year later, in July 1989, the Kinshasa municipal government ordered closure of "over 400 religious groups," according to press reports.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government at times imposes special documentation requirements for travel to areas of unrest or security concern. As noted earlier, the Government also restricts a few dissidents to villages of origin or other locations in the interior. Foreign residents must have special permits to travel into certain regions such as diamond-producing areas. All citizens, refugees, and permanent residents must carry government-issued identity cards, and police and military personnel often set up checkpoints along major roads to inspect papers. Those whose documents are not in order must pay a fine or go to jail. In principle, any Zairian citizen may obtain a passport and exit visa, although on occasion government and security officials have impeded issuance in order to prevent or disrupt the travel of persons suspected of political opposition. A married woman must have her husband's permission before obtaining a passport.

In 1989 there were estimates of 50,000 officially registered Zairians living as displaced persons or refugees in neighboring countries. In 1989 Zaire signed an agreement with Angola providing for the return of up to 5,000 refugees, and a majority had returned by year's end. A small number of political refugees also reside in the Congo and Tanzania. There are continuing reports in the east of refugees fleeing for Uganda, in one case after the killing of a Zairian soldier and subsequent reprisals against local villagers. It is

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likely that many Zairian displaced persons could return to Zaire if they wished.

By mid-1988, Zaire was providing safe haven to approximately 345,000 refugees, of whom 314,000 are Angolans. Refugees generally are allowed to pass freely into Zaire, but upon entry they are first processed by military and state security officials. Refugees are sometimes detained or closely monitored on suspicion of illegal political activity. The Government provides land for resettlement and camps. Outside agencies, especially the United Nations High Commissioner for Refugees (UNHCR), provide food, housing, transportation, and medical care.

Forced repatriation is contrary to official government policy and rarely occurs, but there was at least one such case in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through democratic means. Political power in Zaire is highly centralized and controlled by the President, who, while normally consulting widely, makes all important decisions. Policies are executed by the Prime Minister and Cabinet, both appointed by the President. Advocacy of a multiparty system or opposition to the party-state are contrary to the Constitution and laws, as are actions that question the authority of the President and the political system.

Suffrage is universal beginning at age 18, and voting is mandatory, enforced in theory by penalties including fines or arrest. The national Parliament, municipal councils, and rural and urban zone councils are chosen by direct popular elections that also take place every 5 years. All candidates are carefully screened by party committees at the appropriate level, but voters generally have a choice among several candidates. In the 1987 parliamentary elections, over half of the incumbents were defeated. President Mobutu was reelected unopposed in 1984 to a third 7-year term in office.

Countrywide local elections--annulled in 1987 because of government charges of fraud and postponed twice since February 1988--were held in late May. Just before the scheduled vote, President Mobutu ordered postponement of elections in north and south Kivu because of growing ethnic tensions over voter eligibility. The Zairian press reported only a few incidents of voting irregularities or fraud. Many voting places lacked voting booths, forcing voters to drop their ballots in urns with the candidate's name on it in front of local officials. Some estimates put voter turnout at considerably lower than 50 percent.

Since 1980 members of the UDPS (see Section 1.d.) have been involved in efforts to establish a second political party. Their efforts have been rebuffed both by the official party and by the President, and UDPS leaders have suffered arrest and detention at various times over the past 7 years. The UDPS leaders released from internal exile in June 1987 have taken two different routes: some UDPS activists have accepted government positions; others remain outside the MPR and were arrested and detained on several occasions in 1989.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government's attitude toward external investigations has been inconsistent, as with the 1989 visits from the Lawyers' Committee on Human Rights (see Section 1.d.). The ICRC has been allowed to maintain a permanent office in Zaire since 1978, although at times its access to prisons has been restricted. AI asked the DCRL about numerous detainees in 1989 and received responses to some of its queries. A delegation from AI visited Zaire in November. There are no independent human rights monitoring organization in Zaire.

The Government maintains that Zaire's human rights practices meet international standards and denies charges of systematic and serious violations. It participated in the 43rd, 44th, and 45th sessions of the U.N. Human Rights Commission (UNHRC), and Zaire's representative, the Minister of Citizens' Rights and Liberties, again defended his Government's concern for human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Home to several hundred disparate ethnic groups, most with their own tribal languages, Zaire has a population of over 33 million. The Government has sought to defuse disputes based on linguistic or ethnic differences by adopting French as the official language of government and education.

Though many residents of the President's home region of Equateur, and especially of the President's own Ngbandi tribe, occupy high positions, the Government strives to counter ethnic divisions by recruiting ministers and other high government officials from all regions and major ethnic groups. There are no significant ethnic or racial groups that have suffered official discrimination in the past 10 years.

Custom, tradition, and existing law constrain women from attaining social equality. Women generally hold lower positions and earn less than men in the same jobs. However, women's rights to own property and participate in the political and economic sectors are protected by law, including the 1987 family code. This code expressly provides for women to inherit their husband's estates and strengthens their right to manage personal property and their right to a property settlement upon divorce. Nonetheless, it retains provisions requiring a married woman to obey her husband and obtain his permission for all legal transactions (to open a bank account, accept a job, obtain a passport, rent or sell real estate, etc.) The party's office of women's affairs promotes greater participation by women in the nation's economic, social, and political life and has worked with other organizations to publicize the provisions of the family code. A growing number of women work in the professions, the universities, and government service, but few are in senior, policymaking positions.

Reliable information is not available on violence against women, including wife beating. The police do not normally intervene in domestic disputes, and few cases come before the courts. Violence against women is not a topic of public discussion, and therefore not seen as a major social problem. Neither the Government nor women's groups have addressed this issue.

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Women, like men, often suffer from the indiscipline of the security forces, and there are unconfirmable charges from the villages of rape by locally based soldiers. Female circumcision is not generally practiced in Zaire, though unconfirmed reports suggest it may exist in scattered remote areas of northern Zaire.

Section 6 Worker Rights

a. The Right of Association

The labor movement in Zaire is limited by law to one national union, the National Union of Zairian Workers (UNTZa), which is an integral unit of the sole political party. The Secretary General of UNTZa is a member of the party's Central Committee, and union officials at the regional level serve on regional party committees.

Membership in UNTZa is compulsory for civil servants, employees of state enterprises, and employees of private firms with at least 20 employees. The union claims about 1 million workers as dues-paying members, for whom there is a check off system. The overwhelming majority of the work force is self-employed, either in the unofficial sector or in subsistence agriculture.

UNTZa participates actively in the Organization of African Trade Union Unity and maintains ties with a number of foreign labor confederations.

The right to strike is included in the labor law, but because the law establishes lengthy and mandatory arbitration and appeal procedures which result in the resolution of most labor disputes, in practice lawful strikes do not occur. Workers, nevertheless, conduct frequent unauthorized strikes against employers. In these circumstances, UNTZa is called in to attempt to resolve the dispute, though in some instances employers and workers have reached a settlement without UNTZa's participation.

b. Right to Organize and Bargain Collectively

While UNTZa has the right to bargain collectively with employers, as part of Zaire's party-state structure, it is unable to protect worker interests or defend worker rights that run counter to government policies. It provides social and educational services to members and their families and is charged with implementing government programs to improve worker benefits.

The International Labor Organization (ILO) Committee of Experts (COE) has noted the Government's assurances that, as part of the revision of the labor code, measures are to be taken to strengthen the provisions protecting workers against acts of antiunion discrimination by imposing fines on employers committing such acts.

Workers are uniformly covered by labor legislation throughout the country, including in the proposed new export processing zone.

c. Prohibition of Forced or Compulsory Labor

The Constitution and labor code forbid forced labor. The sole political party in the past organized a labor supply for

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public works projects by strongly encouraging neighborhood or community participation once a week. This practice of "salongo" has now been generally abandoned, but is still at least sporadically implemented in some limited areas of the countryside.

Zairian legislation providing for compulsory civilian service for graduates from pedagogical and technical institutes was repealed in March 1987.

d. Minimum Age for Employment of Children

The legislated minimum age for employment is 18, although those between ages 14 and 18 can legally engage in "light work" if a parent or guardian consents. Due to high levels of unemployment, many children under 14 years of age work in the informal economic sector, especially in subsistence agriculture, to supplement family income. Minimum wage, safety, and health standards are not observed for them.

e. Acceptable Conditions of Work

Workers are entitled to a minimum daily wage (currently less than 50 cents), paid holidays, and vacations; they receive at least 1 rest day per week; fringe benefits usually include a housing allowance, medical care, uniforms, transportation, and a midday meal. Working hours are limited to 48 hours a week. Workplaces are legally required to meet minimum safety and health standards. Most workers in the organized wage sector know their rights, and the UNT2a is charged with monitoring employer compliance with labor laws. This covers only the roughly 1 million organized workers out of a potential work force of 17 million. The majority of the population is engaged in subsistence agriculture and small-scale commerce outside the formal sector.

In recent years income in the modern economy has not kept up with inflation, and the minimum wage does not provide a decent living for workers and their families. As a result, in the private sector, fringe benefits, which are not subject to income tax, often constitute more than half the total wage package. With these benefits, workers are able to maintain a modest standard of living. In the spring, the Government committed itself to a 20 percent salary increase for government employees, and as of October workers had begun to receive their raises. Public sector remuneration remains low, however, and workers are often driven to corruption or to take second jobs in the private sector.

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In Zambia's one-party system of government, President Kenneth Kaunda exercises predominant executive authority. He is advised by a central committee of party leaders and governs through a cabinet and a parliament. There is strong competition for parliamentary seats within the single-party structure. All candidates for political office at any level must be members of the United National Independence Party (UNIP) and must be screened by its Central Committee in advance. Under a state of emergency in effect for the past 25 years, the President has broad discretion to detain or restrict the movements of people, and law enforcement personnel have extraordinary powers to detain suspects and search homes.

The Zambian police, operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. Divided into regular and paramilitary units, it supervises a volunteer vigilante force composed primarily of party activists. The Zambian Intelligence and Security Service is charged with intelligence and counterespionage responsibilities while the armed services are used for internal security, especially at checkpoints and roadblocks.

Although Zambia's economy grew in real terms for the second straight year (after years of steady deterioration) due to high copper prices and bumper corn crops, per capita income continues to decline because of rapid population growth. Over the near and medium term, the country will continue to be burdened with an overvalued currency and beset by high inflation, high unemployment, and chronic underutilization of industrial production. The Government undertook economic reforms late in 1988 with stiffer measures in 1989 designed to stimulate market forces by ending subsidies and price controls and by significantly devaluing the currency. With more reforms required, Zambia will be hard pressed to cushion the blows on its poorest citizens.

Positive human rights developments in Zambia in 1989 included judicial action against officials accused of mistreating prisoners; release of detained opposition political party members; the return of shops seized in an earlier crackdown on "black marketeering;" and spirited, widely reported, parliamentary debate over Zambia's one-party state and State of Emergency, issues that were previously not discussed publicly.

Areas in which human rights problems occurred in 1989 included mistreatment of prisoners and detainees, including evidence of torture; arbitrary and excessively long detentions; lack of fair trials in security cases; restrictions on freedoms of speech, press, assembly, and association; the right of citizens to change their government; and traditional, often illegal, discrimination against women. In 1989 the deteriorating economic situation and increased authority granted by the 1988 Emergency Powers Act led police to use excessive force in their efforts to curb smuggling and illegal trading and to stem the influx of illegal aliens. In assisting the police, overzealous party militants and vigilantes also used illegal means or excessive force.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and other Extrajudicial Killing

In 1989 no killings occurred which could be attributed to the Zambian Government. Ten people were killed when a household of Malawian dissidents was bombed in October. Zambian press reports hinted that Malawian government agents were to blame.

b. Disappearance

There were no known cases of government-inspired disappearance.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Constitution prohibits torture, but there are credible reports that police and military personnel have resorted to excessive force when interrogating detainees or prisoners. In January 1989, a Lusaka High Court judge expressed concern over the torture of people under the custody of law enforcement officers. Those who are maltreated by authorities can and do appeal to the judicial system for redress.

In 1989 Zambian courts tried some cases charging police or prison officers with mistreatment of prisoners. In one case, a man was awarded damages for pain, suffering, permanent damage to his eyesight, false imprisonment, and general damages when he was assaulted by police. In another case, a commanding officer of a regional prison and two senior subordinates were acquitted on charges of failing to feed a prisoner. Militant vigilantes were accused of publicly beating and humiliating citizens suspected of black marketeering. During 1989 two vigilantes were jailed for beating a suspected cattle rustler to death.

The vigilantes (volunteer party activists) are tasked with assisting the police in combating crime, black marketeering and smuggling. These units are frequently overzealous, and, in 1989 there were many citizen complaints of harsh treatment. The Human Rights Committee of the Law Association of Zambia (Copperbelt branch) appealed to the party to check harassment of the people by vigilantes.

Conditions in Zambian prisons are harsh with limited medical facilities. Several foreigners imprisoned for brief periods in Zambia have reported substandard food, overcrowding, and the absence of beds. According to Amnesty International's 1989 Report, covering 1988, these conditions have resulted in a number of deaths. The Report noted in particular the extent of overcrowding in the Central Remand Prison.

d. Arbitrary Arrest, Detention, or Exile

The Preservation of Public Security Act (PSA) gives the President broad discretion during a state of emergency, which has been in effect since 1964, to detain or restrict the movements of persons and to order that persons be arrested and detained for indeterminate periods. Presidential detainees are entitled to formal notification of the reasons for their detention within 14 days of arrest; publication of their detention in the Government Gazette; access to counsel;

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frequent visitation by family and colleagues; immediate right to petition the detaining authority for release; and the right to seek judicial review of the detention order by an independent and impartial tribunal after 1 year. However, the President is not legally bound to accept a tribunal's recommendation of release if he still believes that the detainee poses a threat to national security. In practice, detainees have been released if the judicial tribunal so recommended. Some detainees have been held for years without coming to trial; for example, Faustino Lombe, who was arrested in 1981 for plotting the escape of detainees held on treason charges. He was not released until 1988.

In March one detainee successfully sued the State for unlawful detention and false imprisonment.

Approximately six people detained under presidential order were released in 1989. These included three alleged members of an opposition political party, the People's Redemption Organization (PRO), which is illegal under Zambia's Constitution. Four army officers, who were detained under presidential order and charged with coup plotting in 1988, were formally charged with treason and committed to the High Court for trial. According to the Government Gazette, approximately 18 persons were detained under the PSA. Four are suspected of involvement in the petrol-bombing murder of 10 Malawian exiles. Most of the remaining 14 are being held on suspicion of drug-related activities.

The 25-year state of emergency gives law officers and defense personnel extraordinary powers. Police officers of assistant inspector rank and above may arrest without a warrant and detain a person for up to 28 days if the officer has reason to believe that grounds exist to justify a presidential detention order. In theory, police must provide the detainee with reasons for his detention within 14 days of arrest. In July a magistrate summoned two police officers who in separate incidents had kept two accused persons for 7 days without detention orders. By the end of 1989, there was no information available on whether or not they were punished.

Police can use a 1989 law supplementing the Dangerous Drugs Act to secure forfeitures of property or proceeds earned or suspected to have been earned through drugs. A Drug Enforcement Commission was created in 1989 under the same Act.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Zambian judicial system consists of the Supreme Court with appellate powers and a series of lower courts of which the High Court is the most important. Although presidential detainees are not guaranteed public trial, such trials are usually public when they occur. In most cases, presidential detainees are eventually released without having been tried. The trial of Lt. Gen. Christian Tembo and three other military officers charged with plotting a coup was scheduled to be held in public in early 1990.

In ordinary cases, the law protects suspects' rights during the conduct of interrogations and provides for the right to legal representation at one's own expense or through legal aid; the right to give evidence under oath in criminal procedures; the right to give an unsworn statement; and the

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right to remain silent. The Zambian judiciary traditionally has maintained its independence from executive branch influence. Although the President has the power to appoint and transfer judges, there appears to be no evidence that such power has swayed court decisions.

The number of political prisoners held at the end of 1989 was unknown. There are five prisoners serving life sentences for coup plotting in 1980.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home is generally respected, except in cases relating to the state of emergency or to roundups of illegal aliens and black marketeers. In such cases, security forces have broad powers and often enter the homes of suspects without search warrants.

In May 1989, 120 persons were picked up in Mongu and, in June the Flying Squad (an antirobbery unit) raided homes in a Kitwe residential area, allegedly to flush out illegal aliens. Such raids were extended in July to Chililabombwe where some persons were rounded up, allegedly for attempting to smuggle goods to Zaire.

Early in the year many businessmen, whose trading licenses were revoked in a 1988 clampdown on black marketeering, were given back their licenses and shops. They were also promised compensation for their losses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are restricted. Parliament debates a wide range of political, economic, and social issues but within a controlled one-party context. Direct negative comments concerning the Head of State, or the national philosophy ("Humanism") generally may not be expressed in public, the Parliament or the media. A Kitwe resident was sentenced to 2 years hard labor in June after he was found guilty of defaming the President.

Toward the end of 1989, Members of Parliament questioned the usefulness of the one-party state and the state of emergency. These parliamentary debates were widely covered in the newspapers.

Since the beginning of 1989, the two national dailies have been owned by a new public corporation, the National Media Corporation, headed by an advisor to the President. Television and radio are also state owned under the Zambia National Broadcasting Corporation. In spite of its quasi-government ownership, the press generally carries a substantial amount of commentary critical of party and government performance but within the parameters of dissent tolerated by the Government.

Academic freedom is respected in Zambian society, and educators are outspoken in their opposition to government influence over the educational system. However, university teachers and researchers are subject to the same broad restrictions on criticism of the President and his philosophy that apply to other Zambians.

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b. Freedom of Peaceful Assembly and Association

All political activity outside the one-party structure is banned. Police permits are issued routinely for meetings, rallies, or marches unless the Government believes the proceedings are likely to be contrary to its interests. There are a number of unofficial pressure groups for various economic, political, and social subjects. The most influential in affecting government policy are the Zambia Industrial and Commercial Association and the Commercial Farmers Bureau.

For discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and respected in practice. Zambia has no state religion, and adherence to a particular faith does not confer either advantage or disadvantage. The Government has prohibited the Jehovah's Witnesses from proselytizing. Nevertheless, the sect functions openly, and its freedom to refrain from participating in various secular activities such as voting, singing the national anthem, and saluting the flag has been upheld in the courts and supported by senior party leaders. Christian missionaries from a wide variety of faiths operate in the country. Lay associations and religious youth groups operate independently of party control or influence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Police roadblocks are common, and vehicles and passengers are commonly searched. Under the longstanding state of emergency legislation, the President may restrict the movement of persons within Zambia although this authority is seldom used and was not used in 1989. The Government withholds or withdraws passports to prevent foreign travel by persons whose activities are considered inimical to Zambian interests. In August junior doctors, who went on a "go-slow" demanding better conditions of service, were dismissed and their passports taken by police. The doctors were subsequently reinstated and their passports returned.

While the majority of Zambians are subsistence farmers, about 47 percent of the people live in urban areas, and migration to cities is increasing. In November 1989, President Kaunda announced that unemployed urban Zambians have until June 30, 1990, to return voluntarily to work the land in rural areas. The President warned that failure to respond to his call for voluntary resettlement would result in the imposition of an involuntary resettlement program next year. The Government has promised to provide the resettlers with land and food for 1 year to assist in the resettlement process.

Zambia hosts a large refugee/displaced persons population, particularly from Angola and Mozambique in several refugee settlement centers. The United Nations High Commissioner for Refugees (UNHCR) estimates that there are approximately 143,000 refugees and displaced persons in Zambia. The largest group of refugees is from Angola, totaling more than 97,000 persons. Nearly 30,000 Mozambican refugees have also entered in recent years. In 1989 the Government cooperated with the UNHCR in the repatriation of over 4,000 Namibian refugees.

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There have been repeated press reports of Mozambique National Resistance (RENAMO) guerrilla bands from Mozambique entering eastern Zambia and killing civilians while raiding villages. Zambian security forces reportedly pushed most of the rebels back across the border, killing 272 and capturing 117 as of June 1989.

Some dissidents who have left exile groups such as the African National Congress have been subject to harassment and abduction by their former associates, causing some embarrassment to the Government. The Government has cooperated with the UNHCR which has been active in intervening to provide protection and/or resettlement on a case-by-case basis. It also supported the U.N. Secretary General's Special Representative in Namibia in his efforts to investigate the question of Namibians allegedly detained by the South West Africa People's Organization.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government:

Zambian citizens do not have the right to change their form of government. Under the Constitution, UNIP is the sole legal political party. It has an estimated membership of less than 10 percent of the adult population. Power is concentrated in the hands of the President as leader of the party and Head of State. He plays a dominant role in determining the membership of Zambia's top executive institutions, including the party Central Committee and the Cabinet, which traditionally contain a general regional and tribal balance.

Candidates for political office at any level must be members of the party and are subject to close examination by the Central Committee. In practice, the political system is open to persons of somewhat divergent opinions, provided they are willing to work within the one-party structure and do not challenge the President's preeminent position.

Theoretically, the National Assembly is equal to the President in power and importance. However, following the October 1988 general election, the President moved to curb the independence of the newly elected National Assembly. In a break with tradition, members were sworn in by the President at the State House instead of by the Speaker at the National Assembly buildings, as had been the practice. At the ceremony, the President stated that unwarranted criticism in Parliament would not be tolerated and stressed that the National Assembly's principal purpose is to implement party policy through the drafting of legislation. Despite the President's warning, there was extensive criticism of party and government policies during the second 1989 session of Parliament. These debates were well covered in the press.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government neither encourages nor hinders inquiries or visits by human rights organizations.

In August 1989, the press carried an Amnesty International report which expressed concern over detained persons and urged the Government to release them without further delay. The Government, through the Minister of State for Home Affairs, has indicated that it is studying the report.

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Language, or Social Status:

The population of 7 million comprises more than 70 Bantu-speaking tribal groupings. Economic and social needs are met on a generally nondiscriminatory basis. In 1989 compensation was promised to both black and Asian businessmen whose licenses and shops had been seized in 1988 (see Section 1.f.).

By law, women are entitled to full equality with men. In practice, while they participate increasingly in Zambia's social, economic, and political life and are gaining representation in the professions and higher education, they remain in a subordinate position in many ways. Zambian women are a major component of the rural work force. Customary law and practice, in contradiction to Zambia's Constitution and codified laws, place women in subordinate status with respect to property, inheritance, and marriage. Until 1989, under traditional customs, all rights to inherit property rested with the deceased man's family. The widow and her children were entitled to nothing. The Intestate Succession Act passed in 1989 guarantees widows a 20 percent share and children a 50 percent share in the inheritance of a deceased man's property. Divorce laws are applied to men and women equally.

There are no reliable statistics on the extent to which violence against women, including wife beating, occurs. Domestic assault is a criminal offense, but, in practice, police are often reluctant to pursue reports of wife beating or other forms of abuse. According to women's rights advocates, nondomestic violence against women is not generally tolerated by traditional or civil authorities. Victims usually report attacks, and legal action is taken. In crimes against women where rape, serious injury, or death occurs, men--including husbands--can receive sentences up to, and including, the death penalty.

According to the 1980 census, the percentage of literacy among Zambians above the age of 15 is 75.4 per cent for males and 53.1 per cent for females. In employment, Zambian men and women receive equal pay for equal work. However, there is no legal redress for women who are refused employment on the basis of their sex. Within the workplace, regulations often deny married professional women the fringe benefits (cars, housing etc.) provided to their male colleagues.

Section 6 Worker Rights

a. The Right of Association

Zambia has a history of strong labor union organizations, dating from the establishment of the copper mines during the 1930's. Zambia's 18 large national unions, organized by industry or profession, are all members of the Zambia Congress of Trade Unions (ZCTU), the sole legal confederation.

The ZCTU is not controlled by the party or the Government, and union leaders frequently criticize government policy on such subjects as wages, economic policy, conditions of service, and labor representation in party and government organs. The ZCTU is democratic and regularly conducts open elections to select its leadership.

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With the economic downturn and implementation of stringent reform measures, there has been an increase in labor unrest. Under existing legislation, strikes are permitted only after all other recourse has been exhausted. In practice, virtually all strikes are illegal, since they almost always commence before the mandatory process of mediation has run its course. The Government normally has relied on persuasion and continued mediation to end strikes once they have begun.

Deteriorating economic conditions have resulted in widespread labor unrest. Throughout the year, teachers, bank workers, air traffic controllers, foresters, railway workers, sugar refinery workers, miners, and junior doctors were among the groups that mounted boycotts, "go-slows," and strikes. The Government instructed education officers to compile lists of teachers involved in class boycotts so disciplinary action could be taken but later backed down in the face of protests from the ZCTU and the teachers union. Twenty-six air traffic controllers were arrested and charged with taking part in an illegal strike. President Kaunda declared in 1989 that he would not tolerate any more wildcat strikes and would insist on total industrial peace. The Minister of Labor warned that trade union leaders abetting strikes would be deregistered and cease to hold office at any level while offending unions would be dissolved.

The ZCTU is a member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

ZCTU's right to organize and bargain collectively with employers is codified under regulations in the Industrial Relations Act (IRA). These rights are respected in practice. The IRA provides a mechanism for initiating and settling worker-employer disputes and provides for the establishment of an industrial relations court. Union rights against management interference or discrimination have been readily upheld by the industrial relations court. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Slavery, involuntary servitude, and forced labor are prohibited by the Constitution. Generally, these prohibitions are observed. In its 1989 report, the International Labor Organization (ILO) Committee of Experts reiterated its longstanding request to the Government to modify various legislative provisions which it finds incompatible with Convention 105 on forced labor. The provisions in question impose imprisonment, involving forced labor, for expressing certain political views and/or for engaging in political activities outside the UNIP as a means of labor discipline or as a punishment for having participated in strikes. The ILO Committee on the Application of Conventions and Recommendations also considered this issue at the ILO conference in June and requested the Government to take urgent action.

d. Minimum Age for Employment of Children

The legal minimum age is 16. This and other age restrictions apply to the industrial sector, where, because of adult unemployment, there are few employees under age 16. However, persons under age 14 are often employed in the commercial and subsistence agricultural sectors. In 1986 (the most recent

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year for which statistics are available), 163,216 children aged 12 to 14 were employed--mainly on family farms--out of a total population of 464,809 in that age group.

e. Acceptable Conditions of Work

Zambian law regulates minimum health and safety standards in any industrial undertaking. Enforcement of these laws is carried out by the Ministries of Mines and Labor. The Office of the Investigator General exists to redress the excessive use or abuse of power by government officials against their subordinates.

There is no general minimum wage in Zambia. However, each industry has its own minimum wage determined through the process of collective bargaining. In industries where collective bargaining is not effective, the Minister of Labor and Social Services has determined a lowest wage of an amount equivalent to about \$1.00 a day for cleaners, office orderlies, and watchmen. An average wage for shopworkers is about \$32 per month which is insufficient to provide an adequate standard of living. Most Zambian workers must supplement their incomes through second jobs, some subsistence farming, or reliance on the extended family. The normal workweek is 40 hours. There are legal requirements for annual leave (2 days per month of service) and maternity leave (90 days). Women are legally excluded from night work and a variety of hazardous occupations.

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Zimbabwe is governed by President Robert Mugabe and his Zimbabwe African National Union (ZANU), who have dominated the legislative and executive branches of government since independence. In late 1987, Mugabe signed a unity accord with Zimbabwe African People's Union (ZAPU) leader Joshua Nkomo intended to merge the two parties and fulfill the President's publicly stated intention to establish a one-party state. In 1989 the Zimbabwe Unity Movement (ZUM), a new opposition party, emerged with former ZANU stalwart Edgar Tekere as its chief. The new party contested seats in 1989 by-elections and pledged to run candidates for all 120 parliamentary seats in the expected 1990 general election. The Government has attempted to restrict ZUM's rise through the arrest and detention of its members and restrictions on its ability to campaign and have access to the media.

The armed forces, which number about 50,000 members, are primarily deployed to combat Mozambican National Resistance (RENAMO) incursions into villages along the eastern border and protect various transportation corridors in Mozambique. The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. The Central Intelligence Organization (CIO), attached to the President's office, has police powers and can arrest, detain, and interrogate suspects in internal security cases. The CIO has often been accused of human rights abuses, including the use of torture.

Zimbabwe's economy has strong agricultural and mining sectors and a diversified manufacturing base. The economy is vulnerable to drought and falling commodity prices and is hampered by high taxes, price controls, restrictive labor regulations, and a chronic shortage of foreign exchange. With its important export-import capacity heavily dependent on rail links that pass through South Africa, Zimbabwe has undertaken a major effort, with Western donor support, to revitalize the rail-port system through Mozambique to the town of Beira.

The unity agreement led to a marked decrease in the number of human rights abuses by the Government; a significant exception has been the detention of ZUM followers, union members, and student leaders. The major incidents of 1989 included RENAMO attacks into Zimbabwe which resulted in the murder, kidnapping, and disappearance of Zimbabwean citizens, the bombing of a house formerly occupied by the African National Congress (ANC), the closure of the University of Zimbabwe and the arrest of student leaders, the detention and firing of workers striking for better wages, and the detention without bail of the head of the Zimbabwe Congress of Trade Unions for alleged subversive activities. In a mandatory relocation program, the Government moved over 9,000 villagers into protected areas to shield them from RENAMO attacks. The Government used these attacks to justify continuing the state of emergency (SOE) which the Parliament routinely ratifies every 6 months. Principal areas of human rights abuse in 1989 included torture, arbitrary detention, harassment of lawyers and human rights monitors, continued restrictions on freedom of speech and press, assembly and association, the right of citizens to change their government, and societal violence against women.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political killings or summary executions by government security forces in 1989. RENAMO forces operating across the Mozambique-Zimbabwe border continued to commit atrocities, including arbitrary killings of innocent civilians in both Zimbabwe and Mozambique. In February 1989, the Minister of Home Affairs reported that there had been 420 RENAMO attacks in the preceding 6 months, with 93 Zimbabwean civilians killed.

b. Disappearance

Human rights observers in both Harare and Bulawayo reported that in 1989 there were no new cases of disappearance attributable to the Government. There has been, however, no progress in locating any of the people, almost all of whom were from Ndebele tribal regions, who disappeared in 1982-1985. Estimates of the number of disappeared ranged from at least 80 to as many as 400. The Government has never made a serious effort to account for these missing persons. Human rights organizations have pointed out that the ZANU-ZAPU unity accord has meant that the Government has not been called to account for past abuses.

Credible reports indicate hundreds of Zimbabweans continue to be abducted by RENAMO from the eastern border areas, and many never return from Mozambique where it is believed they are killed or forced to work for RENAMO.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Human rights organizations, including Amnesty International (AI), have stressed the problem of torture in Zimbabwe, especially by officials of the CIO. Detainees in security cases are often held incommunicado in the initial stage, and it is at this point that torture most often occurs, according to human rights observers. Firsthand reports in 1989 indicated that torture continued to be employed in some security cases, especially cases involving suspected South African and RENAMO agents. The case of Leslie Lesia, a South African trader who had been beaten so severely in 1988 that both of his legs were broken, again commanded international attention in 1989. Senior government officials strongly deny that torture is condoned but admit that isolated unauthorized instances have occurred. Local human rights officials claimed that security officials on a routine basis physically abused displaced Mozambicans suspected of being RENAMO supporters.

Police brutality in political and ordinary criminal cases is also a problem. In June baton-wielding riot police used excessive force in breaking up a university meeting addressed by Edgar Tekere. Black Zimbabweans often appear not to report instances of police brutality out of fear of reprisals and the perception that they will not receive much public attention. Occasionally, police are prosecuted on charges of brutality but rarely are severely punished. In one 1989 case, the authorities harassed and then detained an attorney defending a victim of police brutality.

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The Supreme Court abolished the use of whipping as a form of punishment in June 1989.

d. Arbitrary Arrest, Detention, or Exile

The police must inform an arrested person of the charges against him before he is taken into custody. After completion of police questioning, the accused is asked to sign a statement which lists his replies to all the queries. The accused has the right to answer all questions in the presence of an attorney. The police (the arresting detail) must then decide if the accused should be released on bail or on his own recognizance. A Gweru magistrate has recently complained that many people are needlessly detained for petty crimes because police often fail to exercise their right to grant bail. However, respected Harare human rights observers opine that pretrial rights are generally respected, but occasionally inexperienced magistrates and overzealous police officers do not inform defendants of their rights.

Zimbabwean criminal law requires that a person arrested on a criminal charge must have a preliminary hearing before a magistrate within 48 hours, and the law is respected in practice. At that hearing, the magistrate decides whether the arrested person should be released on bail or held in custody until trial. However, in cases involving the SOE, the Minister of Home Affairs can issue a certificate which denies bail to a person under arrest even if the court has approved it. The Government has often used this prerogative in security-related or exchange control violations.

The Government has extensive detention authority in political and security cases. The SOE has been in continuous effect in Zimbabwe since 1965, and it permits indefinite detention without trial "in the interests of public safety or public order." The Minister of Home Affairs, who has broad powers under the SOE, has presented a motion every 6 months since that time calling for extension of the SOE. The Parliament has passed the motion 21 times, and on each occasion, the President then signed a proclamation extending the SOE.

Under the SOE implementing legislation, the Emergency Powers Act (EPA), persons may be detained without an arrest warrant and held for up to 7 days before being informed of the reasons for detention. The law states that a detainee has the right to see a lawyer "without delay" after arrest, must receive enough specific detail of the charges to make meaningful representations, and after 30 days must appear before an independent review tribunal. This tribunal can recommend to the Minister of Home Affairs that the detainee be released if evidence is insufficient to warrant continued incarceration. The Minister may, however, recommend to the President that the detainee continue to be held. In practice, due to procedural delays, a detainee may have to wait several months before appearing before the review tribunal. In the past, the President has generally followed the tribunal's recommendations to release, but in 1988 twice he overruled the tribunal. In one of those cases the Government finally released, in August 1989, four whites (including Leslie Lesia) who had been held for 2 years for allegedly spying for South Africa.

Every defendant has the right to select a lawyer of his or her choosing. In civil cases, the indigent can apply to have the Government supply an attorney. Unfortunately, this right is

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not widely known, which prevents the majority of the poor from taking advantage of it. In capital cases, the Government will provide an attorney to all defendants unable to afford one. In certain cases that pertain to the SOE, the Catholic Commission for Justice and Peace will often provide an attorney at no cost to the defendant.

The most common reasons for detention under the EPA are suspected dissident activity and spying for foreign powers, particularly South Africa. In 1989 the authorities detained and charged a ZUM supporter with using South African supplied-funds to purchase arms from a military installation in Mutare, a city it turned out he had never visited. In another case, a repatriate from South Africa was charged in 1989 with attempting to spy on African National Congress houses in Bulawayo and Harare. Although the Government initially held him but did not formally charge him under emergency powers, it subsequently denied him bail and then charged him under the Official Secrets Act for attempted espionage. The professionalism of police investigations has been eroded because of the ease with which persons can be detained under EPA regulations without any solid evidence of wrongdoing.

In most cases, after the initial detention the Government ultimately orders the arrest and charging of persons under the Law and Order Maintenance Act (LOMA), which provides sanctions for political crimes. (Sometimes the charging comes under the Official Secrets Act.) Such action then becomes part of a judicial process with recourse to a court trial. In 1989, 22 ZUM activists were arrested under the Act and charged with engaging in political activity without first obtaining permission. Fifteen university student leaders were arrested for publishing antigovernment documents, and another 4 were arrested during the 1989 campus demonstrations (see Section 2.b.). In addition, a senior trade union official was arrested for speaking in support of the students. The students and union leader were subsequently released, although the union leader spent 42 days in solitary confinement (see Section 6.a.).

The Government used its prerogative to deny bail in these cases. However, the students petitioned the High Court which subsequently ordered their release on the condition that they report to the police once a week. This condition has since been removed. None of the persons charged under LOMA had been tried by the end of the year.

It is not known exactly how many persons are currently detained on politically related charges. Although the Minister of Home Affairs denied that any Zimbabweans are being detained on the basis of political activities, reliable estimates point to 10 long-term detainees. Approximately 200 Ndebele arrested and convicted prior to the 1988 amnesty remained in detention. Human rights observers report, however, that there are far fewer detainees in 1989 than there were in 1988. There is also very little information available on numbers of persons being detained by military forces in the conflict with RENAMO.

A number of persons, including Reverend Ndabingi Sithole, remain in exile. With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

Zimbabwe's legal system is based on a mixture of Roman-Dutch and English common law practices and procedures and consists of magisterial courts, a High Court, and a Supreme Court. In most instances, defendants must retain their own legal counsel because there is limited provision for public defenders. Defense counsel can present evidence and confront witnesses. Approximately 90 percent of defendants are not represented by counsel. The right to appeal exists in all cases and is automatic in cases where a death penalty is imposed. All trials are open to the public, except in rare cases in which the Government orders that the proceedings be held in camera, e.g., in certain security cases involving alleged South African agents.

The judiciary is generally independent and persons brought to trial can be assured of a fair public hearing. Although there are at present 500 lawyers in Zimbabwe, there is a shortage of experienced magistrates. Zimbabwe's judicial system is hard pressed to cope with ordinary criminal cases. There is a lag of 3 years in case and law reporting.

In the past, the Government has generally abided by court decisions even when it strongly opposed the ruling. However, security officials have recently been ignoring High Court rulings. In October trade union leader Morgan Tsvangirai was detained again as he departed a local police station following another High Court order that authorities release him. In 1989 police ignored a High Court order to investigate the fate of nine ZAPU supporters who disappeared in 1985.

In a related matter, the 1989 Africa Watch report stated that another worrying recent development has been the use of threats and criminal charges against lawyers acting in important political cases. According to the report, they experienced harassment in varying degrees of severity.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Constitution formally protects citizens from arbitrary search or entry, but under emergency regulations a police officer may stop and search any person or enter any area without a warrant when the officer has "reasonable grounds" for believing evidence of a crime may exist. It is widely believed that the Government monitors private correspondence and telephones, particularly with overseas partners.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Zimbabwe Constitution provides for freedom of expression but allows for legislation limiting this freedom when the "interest of defense, public safety, public order, state economic interests, public morality and public health" are involved. In practice, the Government interprets broadly its power to discourage free speech, and at public events it is generally assumed that speakers are under surveillance and may be subject to follow-up questioning by the CIO if the remarks are judged too controversial. The LOMA provides for the prosecution of persons who make racially inflammatory remarks. Notwithstanding the Government's efforts to limit criticism in Parliament in 1989, there was discussion of

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several controversial issues, such as corruption, military involvement in Mozambique, and the movement toward a one-party system.

Zimbabwe's major print media (five English-language newspapers and one vernacular broadsheet) are influenced through the Mass Media Trust, a quasi-governmental institution set up after independence. There are also smaller, privately owned print media, including a widely read economic newspaper. Television and radio are wholly government owned. Senior media officials follow the official government and ruling party line closely and practice a high degree of self-censorship. Press coverage which disputes the main lines of government policy, criticizes the ruling party, or questions the actions of senior government or party officials is increasingly rare.

The Government uses various methods to keep the media in line. In 1989, following a scandal involving the Government's purchase of automobiles (the Willowvale auto scandal), which eventually led to the resignations of several Cabinet ministers, the authorities transferred or promoted several investigative reporters of the Bulawayo Chronicle in what was widely interpreted as a government attempt to prevent reporters from widening the probe. Similarly, government authorities suspended two employees of the Zimbabwe Broadcasting Corporation from their positions for reporting a press conference by ZUM founder Edgar Tekere and interviewing a University of Zimbabwe professor on the feasibility of new government investment guidelines. While media coverage of ZUM rallies and speeches is almost nonexistent, numerous articles detailing the arrests of ZUM activists for allegedly violating the Law and Order (Maintenance) Act regularly appear in the news.

Academic freedom was seriously affected by events in 1989. The University, which has an enrollment of 9,000 students, was closed after police officers broke up a student protest demonstration (see Section 2.b. below).

b. Freedom of Peaceful Assembly and Association

The Constitution formally provides for the right of assembly and association for political and nonpolitical organizations, including a broad spectrum of economic, professional, social, and recreational activities. In practice, there are serious obstacles to the full exercise of this right, particularly in the case of political associations.

Police permits are required for public meetings and political rallies. Organizations must pay the town council (usually controlled by ZANU) to use civic centers and stadiums. Reliable reports indicate that on many occasions town council members changed the rules for renting public places to ZUM members for holding election rallies after police had granted permission to hold the rallies.

In September University of Zimbabwe students attempted to hold a seminar to mark the anniversary of a major demonstration held in 1988 against corruption. The Government banned the seminar, and security forces were despatched to disperse students trying to conduct the meeting. The Student Representative Council (SRC) then issued a statement protesting the police action as a violation of academic and intellectual freedom. In response the police arrested two SRC leaders, Arthur Mutambara and Enoch Chikweche, for publishing

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a statement offensive to government leaders. As news of the arrests spread, 300 students assembled to protest. In the course of this demonstration, the students burned an automobile belonging to the University Vice Chancellor, and police were again called in to quell the disturbances, using tear gas and riot sticks. The police arrested 70 students, and the University was then closed. It reopened briefly to allow students to take final exams, but the Vice Chancellor required all students to sign a document pledging not to participate in demonstrations. The University was then closed again and remained closed at the end of the year.

There are numerous nonpolitical business and employers' organizations, professional associations, and recreational and sports clubs. These are generally free of governmental interference as long as their activities are viewed as nonpolitical.

For a discussion of freedom of association as it applies to labor unions, see Section 6.c.

c. Freedom of Religion

Freedom of religion is respected in Zimbabwe. There is no state religion. Denominations are permitted to worship openly, pursue social and charitable activities, and maintain ties with affiliates and coreligionists abroad. Religious belief is neither a handicap nor an advantage in terms of professional or political advancement. Many government leaders received their education in mission schools, and a number of senior ZANU officials are, in fact, clergymen. Elective courses in religious studies are part of the secondary school curriculum.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel at home and abroad is not generally subject to official restrictions, although travel restrictions have been occasionally applied against those whom it was believed might criticize the Government before foreign audiences. This practice does not appear to be widespread. A far more serious practical obstacle to foreign travel is currency control which severely limits the amount of foreign currency Zimbabwean nationals can take out of the country. Travel in the areas contested with RENAMO is not officially restricted but can be dangerous. The Government has instituted a "villagization" policy creating centralized villages in areas where RENAMO attacks occur. Immigration is not restricted, although persons who have left the country are not guaranteed the right to return if they were not born in Zimbabwe. Applicants must be able to demonstrate proof of livelihood. Repatriates from South Africa are always suspected of being in the employment of the South African intelligence community.

At the end of 1989, the registered refugee population was estimated at 80,000, of whom 79,500 were Mozambicans located in four rural camps along the eastern border. The remainder, mainly South Africans, were located in Harare and Bulawayo. An estimated 100,000 Mozambicans, many of them migrant farmers, are self-settled in rural areas in the east. Adult males of military age (18-35) among this population are being relocated into the official camps. The Government fears that RENAMO guerrillas infiltrate Zimbabwe in the guise of these Mozambican refugees and has declared its intention to

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repatriate most of them. While Zimbabwe has acceded to a number of international agreements permitting the free entry of refugees, in 1989 it sought to keep its border closed to new refugees, thus seriously constricting the right of first asylum. In 1989 expulsions of arriving refugees numbered some 3,000 who were the object of government suspicion as RENAMO sympathizers.

The Ministry of Labor, Manpower Planning, and Social Welfare is responsible for refugee affairs. Within the Ministry, a commissioner for refugees oversees the administration of the camps and coordinates international and other assistance activities. Using the Zimbabwe Refugee Act of 1983 as the legal basis for the determination of eligibility for refugee status, a Zimbabwe refugee committee interviews applicants for asylum. A negative decision can be appealed to the Minister, whose decision is final. This formal process applies to persons mainly in Harare rather than along the border. In 1989 Zimbabwe refused to grant refugee status to several ANC members who had quit the organization. Former ANC members were forced to seek refuge in other countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1989 Zimbabwe was officially a pluralist parliamentary democracy with a popularly elected House of Assembly, and citizens still had the right to change their government through democratic means. Elections held in the latter part of 1989 were contested by multiple candidates from ZANU, ZAPU, and ZUM as well as by some independents. However, there were widely reported irregularities in these elections. With the ZANU-ZAPU unity agreement and government efforts to limit the growth of the new ZUM party, Zimbabwe was becoming a de facto one-party state.

President Mugabe and his Cabinet are the preeminent political figures, and the ruling party, ZANU (fully unified with the former ZAPU opposition party), is the dominant political organization in the country. Following the amendment of the Constitution in 1987 to create a strong executive presidency, Robert Mugabe, who previously served as Prime Minister, became in 1988 both the Head of State and Head of Government. Elected in 1988 by an electoral college made up of the two houses of Parliament, in 1990 the executive President will be selected by popular election to a term of 6 years. The President appoints the Vice President and the rest of the Cabinet, who serve at his pleasure.

The Parliament contains two chambers: the House of Assembly and the Senate. Eighty of the 100 members of the House of Assembly are popularly elected from specific constituencies to 5-year terms. Twenty members are nominated by the ruling party and elected by the House of Assembly. Members of the upper house (the Senate) are appointed by the President. Since the unity agreement, which helped break down the traditional party rivalries, there has emerged a vigorous "back bench" in the House of Assembly which has confronted the Government on a number of issues.

In particular, the debate over Zimbabwe's political future sharpened in 1989 with the formation in April of the Zimbabwe Unity Movement (ZUM), led by former ZANU Secretary General Edgar Tekere. Tekere has criticized corruption and the size of government as well as the movement toward a one-party

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system. Tekere is from the east, which has been hit hard by the RENAMO incursions and military conflict, and he has also advocated military withdrawal from Mozambique.

President Mugabe and other senior ZANU officials have indicated a desire for a one-party state and have taken a series of steps to counter ZUM activities. Reliable sources accused the ruling party of blocking free and fair campaigning in a June by-election held near Harare to choose a replacement for senior Minister Nyagumbo, who committed suicide in the wake of the Willowvale car scandal. During the campaign, the authorities detained 15 ZUM leaders for 5 days, prohibited ZUM political rallies, and denied ZUM media coverage. The ZANU candidate won, but the ZUM candidate received 25 percent of the vote, indicating some popular support for a two-party system. Moreover, there were widespread irregularities including reports of ZANU payments to people who did not live in the constituency to vote for its candidate. In the November by-election, there were widespread irregularities as well in favor of ZANU candidates. Observers charged ZANU with stuffing ballot boxes to keep ZUM candidates from winning.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is highly sensitive to charges by international nongovernmental organizations of human rights abuses in Zimbabwe. The Government permits the International Committee of the Red Cross (ICRC) to maintain a regional office in Harare. It cooperates with the United Nations High Commissioner for Refugees (UNHCR) to assist Mozambican, South African, and other refugees but does not accord UNHCR regular, unrestricted access to Mozambican refugee camps. Admonitions to the security services about refugee protection have fallen on deaf ears in the border areas.

The Government often has been critical of nongovernmental groups. For example, the Minister of Home Affairs, in response to the October 1989 Africa Watch report on Zimbabwe, warned the organization "to avoid meddling in our internal affairs." In 1986 the Government declared Amnesty International an "enemy of the people" and threatened that anyone who supplied the organization with information would be detained. AI is still not permitted to operate in Zimbabwe.

Private Zimbabwean groups supporting efforts to increase public awareness of human rights operate in Zimbabwe. In particular, the Catholic Commission for Justice and Peace (CCJP) investigates complaints from private persons about human rights abuses in Zimbabwe and conveys its findings to the Government. Other local groups include the Bulawayo-based Legal Projects Center and the Harare-based Legal Resources Foundation, which operate libraries and information centers and train lawyers in humanitarian law. The Legal Projects Center also provides a legal aid clinic which handles matters ranging from locating missing detainees to domestic disputes. These groups in the past have operated without government hindrance, but in 1989 the lawyers for the CCJP and the Legal Resources Center were detained briefly or harassed by false charges in cases relating to human rights (see Section 1.e.).

ZIMBABWESection 5 Discrimination Based on Race, Sex, Religion,
Language, or Social Status

Government services in Zimbabwe are provided on a nondiscriminatory basis, and the Government has been able to work with the previously "whites only" infrastructure in urban areas to provide health and other social services to all. In many rural areas, however, the neglect of the preindependence period still leaves the Government struggling to provide minimum care. Blacks on most commercial farms are still dependent mainly on white farmers to meet basic health care and educational needs.

In social terms, Zimbabwe remains a racially stratified country despite bans against official discrimination. While schools, churches, and clubs are all integrated, there is limited social interaction between racial groups. The "colored" (mixed race) community has complained of discrimination in the allocation of civil service jobs, but President Mugabe made two "colored" ministerial-level appointments and appointed a Zimbabwean of Chinese heritage as Minister of Education,

The status of women in Zimbabwe has advanced steadily even though traditional attitudes and practices persist, especially in rural areas. Since independence, the Government has enacted major laws aimed at enhancing women's rights and countering certain traditional practices, some of which are based on the view of women as dependents or minors. For example, the Legal Age of Majority Act and the Matrimonial Causes Act recognize the capacity of women to act independently of their husbands or fathers and to own property. Judges on the high courts have adjudicated cases upholding women's rights, including the right of women to inherit property. In 1981 the Ministry of Cooperative and Community Development and Women's Affairs was established to facilitate the involvement of women in national development.

Nevertheless, many women remain severely disadvantaged in Zimbabwean society. Ignorance of reforms, illiteracy, economic dependency, and prevailing social norms prevent rural women in particular from benefiting equally from these changes. Women are still vulnerable to customary practices that operate against their personal rights. Zimbabwean law prohibits "kuzvarira," the practice of pledging a young woman to marriage with a partner not of her choosing. However, unless the woman is well educated and outspoken, marriages based on "kuzvarira" still take place. The Matrimonial Causes Act has removed the customary obligation of a groom to pay "lobola" (a bride price) to the parents of his would-be wife, but the practice of "lobola" continues to be widespread. The Child Protection Society of Zimbabwe has challenged the customary practice of offering a young girl as compensatory payment in interfamily disputes, but it persists.

A considerable expansion of the nation's education system has resulted in an increase in the absolute number of girls being educated but has not altered the pattern of male domination of the higher levels of education. Though legislation prohibits discrimination in employment on the basis of gender, women are concentrated in the lower echelons of the work force.

Domestic violence against women, especially wife beating, is believed to be prevalent in Zimbabwe. A 1988 survey uncovered over 1,600 police investigations of domestic assault in the

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southern townships of Harare alone. The police often treat violence against women as a domestic rather than a criminal matter and are reluctant to intervene. Well-informed sources report that most victims of domestic violence, fearing the loss of economic support, withdraw charges or fail to report the incidents. Although the number of reported rape cases has increased substantially, laws dealing with assault and rape present substantive and procedural problems for women. A women's action group has urged police to improve their services by giving women a full explanation of court procedures and possible defense attorney tactics before they appear in court. The Government has assigned community relations liaison officers to police precincts to counsel victims of sexual assault. These officers held workshops on rape for their fellow officers to inform them about victims' rights. Respected government officials and medical practitioners report that female genital mutilation is not widespread in Zimbabwe.

Section 6 Worker Rights

a. The Right of Association

Under the Labor Relations Act, workers enjoy freedom of association, have the right to elect their representatives, publish newsletters, and set programs and policies which reflect the political and economic interests of labor. The Act specifies that workers may constitute workers' committees in each plant and a trade union in each industrial sector and elect appropriate officers. The Act specifies further that workers' committees and trade unions must be registered with the Ministry of Labor, but it also seeks to protect workers' organizations from arbitrary government interference. The Government does not control or restrict labor, but it has powerful levers affecting labor, notably in the handling of strikes and setting wages.

Since independence, the Government has encouraged trade unions in the same industry to amalgamate. The process of amalgamation was completed in 1987. About 17 percent of the salaried work force is organized in 22 trade unions which are members of the Zimbabwe Congress of Trade Unions (ZCTU), the umbrella confederation of the trade union movement. The ZCTU is the voice of organized labor, and its officers and members frequently speak or comment on social issues in public forums. ZCTU officers are elected by the delegates of affiliated trade unions at biennial conventions, most recently in July 1988. Neither the Government nor any political party nor any ethnic or tribal group has a preponderant influence in the trade union movement. Most trade unions suffer from meager budgets which prevent them from conducting a greater range of organizing and educational activities.

Workers have the right to strike providing that the union advises the Government 2 weeks in advance of its intention to do so. The right to strike is further limited by the right of the Government to declare a specific industry to be essential and therefore not subject to strike action. In practice, the Government has employed a broad interpretation of what essential industries are, and strikes in Zimbabwe have been few and largely unsuccessful. In June 1989, after long negotiations with the Government over the terms of their employment, medical interns went on strike, and the Government arrested more than 70 striking doctors. Responding to an appeal from President Mugabe, the interns returned to work and

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their pay was later increased. Another, more serious wildcat strike occurred in July when 2,000 railroad mechanics walked off their jobs. They were eventually joined by other railroad workers. The Government declared the strike illegal but did not attempt to arrest the workers. Instead, the Government persuaded strikers to return to work by promising them an additional wage increase. However, when another wildcat strike took place 10 days after this settlement, 60 railway workers were summarily dismissed. In September, 1,500 postal and telecommunications technicians, seeking higher wages than those granted by the Government, engaged in a week-long strike. The Government used its emergency powers to dismiss the workers but rehired them later once it was clear indigenous replacements were not available. In October, after issuing a press statement supporting the students' right to protest government actions, the ZCTU Secretary General was detained, held in solitary confinement for 42 days, and charged with attempting to incite the public to revolt against the Government. In November the Commonwealth Trade Union Council (CTUC) field representative was deported after he protested the ZCTU Secretary General's detention.

The ZCTU and its officials are active in the international labor movement and are affiliated with the Trade Union Coordinating Council and the Organization of African Trade Union Unity. The ZCTU has friendly relations with the Brussels-based International Confederation of Free Trade Unions (ICFTU) and its affiliates (including the American Federation of Labor and Congress of Industrial Organizations), as well as with the Communist-controlled World Federation of Trade Unions.

Zimbabwe has been a member of the International Labor Organization (ILO) since 1980 but has ratified neither ILO Convention 87 regarding freedom of association nor Convention 98 on bargaining collectively.

b. The Right to Organize and Bargain Collectively

Under the Labor Relations Act, workers have the right to organize. Workers' committees are empowered to negotiate with the management of a particular plant the conditions of labor in the workplace. Wages are negotiated on an industrywide basis but are effectively limited by the Government's minimum wage system. In the case of a union-organized industry, the employers association meets directly with a particular trade union. In certain cases when there is no trade union representing a specific industry, representatives of the organized workers meet with the employers' association under the mediation of labor relations officers from the Ministry of Labor.

Perceiving that workers are at a disadvantage in negotiations with better financed and better educated managers, the Government believes it is responsible for assisting workers with legislation and intervention with employers. The Labor Relations Act provides considerable job security for workers. Under the Act, a worker may not be fired without the Labor Ministry's concurrence that the dismissal is justified. Labor relations officers are authorized to handle worker grievances within the plant. Their decisions may be appealed to the regional hearing officer of the Ministry of Labor, and finally to a special Labor Relations Tribunal, over which the Chief Justice presides.

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In April 1989, Labor Minister Nkomo recommended that all labor laws be consolidated. He also announced the intention to open up the labor market to permit greater freedom for labor and management to negotiate wage increases. In past years, the Government would announce minimum wage increases prior to the start of the collective bargaining season that became, in effect--given the Government's refusal to ratify settlements which exceeded the minimum wage--the target for wage agreements. Though the Government has not completely withdrawn from setting wage increase standards, it now sets parameters for wage negotiations, and all collective bargaining agreements must be ratified by the Labor Ministry.

The Government does not promote or support antiunion discrimination. There are no export processing zones in Zimbabwe.

c. Prohibitions of Forced or Compulsory Labor

Compulsory labor is prohibited by law in Zimbabwe and is not practiced.

d. Minimum Age for Employment of Children

Under Zimbabwean labor regulations, the minimum age for the formal wage sector is 18, but it is possible to begin an apprenticeship at 16. In this sector, minimum age regulations are generally enforced. However, the Government does not attempt to enforce these regulations for children employed in household enterprises, e.g., family farms.

e. Acceptable Conditions of Work

Conditions of labor are regulated by the Government according to industry. The Government publishes labor regulations for each of the 22 industrial sectors, based on previously negotiated collective bargaining agreements. These regulations specify wages, hours, holiday schemes, and required safety measures. The average workweek is 44 hours, and the law prescribes a minimum of one 24-hour rest period per week. The minimum wage for the agro-industrial sector is \$96 a month. The employer also usually provides housing, food, and medical care to workers. On commercial farms, the employer may provide schooling for the workers' children. Citing the results of a 1981 government-sponsored wage and price survey, the ZCTU pointed out that current mandated minimum wages are between 50-75 percent below the adjusted poverty level determined by the survey. In many instances, workers must also rely on second jobs, extended family help, or some subsistence farming to meet a minimum standard of living.

Labor relations officers from the Ministry of Labor are assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational and safety regulations are being observed.

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Antigua and Barbuda is a small two-island state with a parliamentary democracy modeled after that of the United Kingdom. It is governed by a prime minister, a cabinet, and a bicameral legislative assembly. The Governor General, with largely ceremonial duties, is the titular Head of State and serves as representative of the British monarch. The Constitution requires general elections at least every 5 years. Prime Minister V. C. Bird and his Antigua Labour Party (ALP) once again won a convincing victory in the March 1989 general elections, capturing 15 of the 17 seats in the House of Representatives. One seat went to United National Democratic Party (UNDP) candidate Baldwin Spencer, who was named leader of the opposition in Parliament. The other nongovernment seat represented the Barbuda constituency and was won by Hilbourne Frank, a political independent who leads the Barbuda faction advocating secession from the union with Antigua. The Governor General appoints the 17-member Senate with the advice of the Prime Minister and opposition leader.

Security forces consist of a police force and the Antigua and Barbuda Defense Force, a 120-man infantry unit. The police are organized, trained, and supervised according to British law enforcement practices. The security forces have a good reputation for respecting individual rights in the performance of their duties.

Antigua and Barbuda has a mixed economy, with a strong private sector. Tourism is the major industry. In 1989 the economy registered a 6.8 percent increase in gross domestic product, the fifth straight year of high growth. However, a large and growing external debt continued to concern the Government.

The Constitution provides for observance of political and civil rights, which are generally respected in practice, with the exception that opposition political parties have little or no access to the government-dominated electronic media. Antigua and Barbuda's generally good human rights record remained largely unchanged in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of disappearances or politically motivated abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and other cruel or inhuman treatment of prisoners or detainees, and these prohibitions are respected in practice.

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d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, which do not occur in practice. Criminal defendants are guaranteed the right of judicial determination of the legality of their detention. Detainees must be brought before a court within 48 hours of arrest or detention. There were no reports of involuntary exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is modeled on that of the United Kingdom and is part of the Eastern Caribbean legal system. Final appeal may be made to the Queen's Privy Council in the United Kingdom and is invariably made in the case of death sentences. There are no military or political courts. Criminal defendants are assured a fair, open, and public trial. In capital cases the Government provides legal assistance at public expense to persons without means to retain a private attorney. There are no political prisoners in Antigua and Barbuda.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports of arbitrary interference with privacy, family, home, or correspondence in 1989. The police must obtain a warrant before searching private premises.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, the press, and other forms of communication; these provisions are generally respected. However, the Government dominates the electronic media, the only daily source of news. The Government owns one of the two radio stations and the single television station, and the Prime Minister's family owns the second radio station. Opposition politicians have not been able to obtain adequate air time to present their positions. ABS radio and television report regularly on the Government's activities but rarely on those of the opposition political parties.

In September, for example, members of the opposition UNDP wanted to join a live broadcast on ABS radio in which participants were discussing disaster relief efforts in Antigua following Hurricane Hugo. They were told that, although they could not be part of the live transmission, ABS would prerecord an interview with them on the subject for later broadcast. When the half-hour tape later was broadcast, it was taken off the air before the opposition spokesman completed his answer to the first of a series of questions asked by the interviewer.

The opposition UNDP has also charged that, prior to the call for general elections this year, they unsuccessfully attempted to purchase time from the electronic media. Once elections were called, use of radio and television for political campaigning was prohibited by law under the People Act of 1975 (which was enacted when the currently ruling party was out of office). The Act provides that: "Pending an election, it

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shall not be lawful for any television or wireless transmitting station to broadcast any item for the purpose of promoting or procuring the election of any candidate or of any political party," but exempts bona fide scheduled news broadcasts which give fair and equitable coverage of all election meetings, as well as any announcement, not exceeding 2 minutes, concerning the time, date, and venue of a political meeting.

Weekly newspapers representing the opposition publish a variety of opinions. They are free to criticize the Government and do so regularly. Religious organizations also publish their own newspapers.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. Public meetings and organized demonstrations are held without police interference. Required permits for public meetings are issued by the police, and they normally grant them. Permits for political rallies were routinely granted upon request during the period leading up to the general elections in 1989.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is unrestricted exercise of religious freedom. The population is overwhelmingly Protestant, but adherents of other religious denominations practice and proselytize openly without government interference. All groups are free to maintain links with coreligionists in other countries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Neither law nor practice restricts the right of citizens of Antigua and Barbuda to move about within the country, to travel abroad, or to emigrate.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Antigua and Barbuda has a multiparty political system accommodating a wide spectrum of political viewpoints. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years. The Government is obligated by law to hold voter registration during a fixed period each year, and parties conduct their own registration drives free from government interference. General elections were held in Antigua and Barbuda on March 9. The incumbent ALP led by Prime Minister Vere Cornwall Bird, Sr., easily won reelection, taking 15 of the 17 parliamentary constituencies, a net loss of one seat from the 1984 elections. The ALP has been in power since 1951, except for a period in opposition from 1971 to 1976. The opposition charged that the ALP's longstanding monopoly on patronage and its influence over the economic life of the country made it extremely difficult for opposition parties to attract membership and financial support.

Following the general elections, the opposition charged that serious polling irregularities had occurred on election day in seven of the constituencies and that election results in those

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districts were invalid. Absence of ballots or insufficient numbers of ballots prevented polling stations in these districts from adhering to the prescribed voting period of 6 a.m. to 6 p.m. on March 9. The matter was taken to the elections court for rulings on a district-by-district basis. When the justice declared the election invalid in the initial case to be heard, the ALP asked incumbents of the six remaining seats to resign and planned to hold by-elections in all seven constituencies in August. The opposition parties, however, failed to renominate candidates to stand for election. As a result, a by-election was unnecessary, and the seven ALP candidates were declared automatic victors. They were sworn back into office on August 8.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Internationally recognized human rights organizations have not expressed concern about Antigua and Barbuda. There were no requests for human rights investigations or inquiries during 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Law and practice prohibit discrimination based on race, sex, creed, language, or social status. The role of women in society is not restricted by law, but tradition tends to limit women to home and family, particularly in rural areas. However, these traditional roles are changing. The Government has begun programs to provide enhanced educational opportunities for both sexes as well as family planning services. Under the energetic prodding of the Government's Directorate of Women's Affairs, which was upgraded in 1989, women are moving up in government and the professions, but progress is slower in the private sector. The Women's Desk began almost 10 years ago with one director and a secretary and now employs, in addition to the executive director, three professionals and clerical and support staff. In 1989 the Directorate continued educational programs for women in such areas as health, crafts, and improving business skills. It also produced a magazine on women in Antigua and carried out research into laws affecting women.

Most violence against women in Antigua probably goes unreported. Gauging the extent of the problem is difficult, due to the lack of accurate data, and is compounded by the reluctance of women in many cases to testify against their abusers. Police may be reluctant to interfere in cases of domestic violence, and some women charge that the courts do not take the problem seriously enough and that sentences are too lenient. The Directorate of Women's Affairs has scheduled an educational campaign through the media to increase awareness of the problem, and has also planned a workshop on women and abuse, including child abuse, for 1990.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to form labor unions. Although fewer than 50 percent of Antigua and Barbuda's workers belong to unions, the important hotel industry is heavily unionized. Unions are free to affiliate

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with international labor organizations and do so in practice.

Antigua and Barbuda has two major trade unions: the Antigua Trade and Labour Union (ATLU) and the Antigua Workers' Union (AWU). The ATLU is associated with the ruling ALP, while the AWU is allied with the opposition UNDP. During 1989 the ATLU did not hesitate to criticize government policies and practices with which it disagreed.

The right to strike is recognized by the labor code. This right can be limited in a given dispute by the Court of Industrial Relations. Once either party to the dispute requests the Court to mediate, there can be no strike. Because of the delays associated with this process, in practice labor disputes are often resolved before a strike is called. There were no strikes in 1989.

In its 1989 report, the International Labor Organization's Committee of Experts cited legislation which allows either party or the Minister of Labour effectively to restrict the right to strike, and asked the Government to reexamine its legislation and take measures to ensure that provisions for the settlement of disputes through conciliation do not restrict the right to strike.

b. The Right To Organize and Bargain Collectively

Labor organizations are free to organize and bargain collectively. There have been no allegations of antiunion discrimination, which is prohibited by law. There are no areas of the country, such as export processing or free trade zones, where union organization or collective bargaining is discouraged or impeded.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced labor, which do not exist in practice.

d. Minimum Age for Employment of Children

The law provides a minimum working age of 13, which is respected in practice. Responsibility for enforcement rests with the Ministry of Labour, which by law conducts periodic inspections of workplaces.

e. Acceptable Conditions of Work

The law permits a maximum 48-hour, 6-day workweek, but in practice the workweek is 40 hours in 5 days. Workers are guaranteed a minimum of 3 weeks' annual leave and up to 13 weeks of maternity leave. There are no occupational health and safety laws or regulations. Different minimum wages for different work categories were established by law in 1981. Some representative minimum hourly wages at the present are: household domestics \$0.50, unskilled laborers \$0.61, construction workers \$0.93, and skilled workers \$1.30. Most such minimum wages would not provide a decent standard of living for workers and their families, but the great majority of workers earn substantially more than the minimum wage. A committee completed its review of these minimum wages and submitted a report to the Ministry of Labour for action. The report recommended increases in the minimum wage levels for various categories of workers.

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Argentina is a federal, constitutional democracy with a president elected through an electoral college for a single 6-year term, a bicameral legislature, and an independent judiciary. Traditionally, the executive is the dominant branch in the Argentine Government. Since the end of military rule in 1983, there have been four national elections. In the most recent, on May 14, 1989, the voters elected Justicialist Party candidates Carlos Menem and Eduardo Duhalde as the nation's President and Vice President. A rapidly deteriorating economic situation and an evident lack of public confidence due to the prolonged period before the scheduled December inauguration caused former President Raul Alfonsin to negotiate an early turnover of the reins of government to Carlos Menem. The inauguration of Menem on July 8 marked the first constitutional turnover of the presidency from one democratically elected President to another from an opposing party since 1916. Candidates in the May elections represented the political spectrum from conservative to far left.

The President is constitutional Commander-in-Chief, while a civilian Defense Minister oversees the armed forces. The federal police report to the Interior Minister; provincial police are organized under provincial constitutions and report to locally elected provincial governors.

Argentina is beset by inflation, which averaged well over 100 percent annually during 1986-88 and which escalated to hyperinflation during 1989, with the consumer price index increasing by 4,923 percent for the year. Argentina has significant arrears on an external debt of more than \$60 billion and requires fresh infusions of external capital. The state-owned enterprises are generally unprofitable, foreign investment is weak, and capital flight is a problem. The Menem administration moved quickly to introduce such measures as privatization, economic emergency legislation, and a tax reform bill, which attempt to confront the problems of deficit financing and lack of investor confidence. These and other steps resulted in a rapid drop in the level of inflation beginning in August 1989, but the trend reversed itself in November and December as financial markets lost confidence in the Government's ability to control deficit spending.

Human rights concerns in 1989 focused more on accounting for abuses during military rule (1976-83) than on the policies of the civilian Government. The courts continued the painful task of deciding custody of the children of people who disappeared during the military Government's rule. In October President Menem pardoned military officials accused of human rights violations or mutiny against the army high command, an action widely criticized by human rights and political organizations. An attack in January by members of the "All for the Fatherland Movement" (MTP) against the La Tablada military compound resulted in an estimated 38 deaths and 80 injuries. Twenty MTP members implicated in the attack were tried and sentenced to prison by a civilian court; a separate civilian court commenced criminal investigations into charges that some attackers were killed or disappeared after they had surrendered. In late May a series of attacks against food stores and other businesses took place in several Argentine cities. Police efforts to contain these riots resulted in 14 deaths, 80 injuries, and hundreds temporarily detained. The Government declared a 30-day state of siege, with curfew and other restrictions applied in those areas where rioting had occurred. Legal challenges to this state of siege were heard

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by the courts but eventually rejected. In general, the Government continued its efforts to protect human rights, but the use of excessive force by the police remained a concern.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no credible reports of politically motivated killings carried out by the Government in 1989. However, survivors of the January attack against the La Tablada military compound charged that several of those who carried out this attack were killed by police and military forces after they had surrendered. A civilian judge was assigned to investigate these charges, and this investigation was still under way at year's end. Human rights organizations, political groups, and the press criticized police for several deaths which appeared to involve excessive use of force in dealing with criminal suspects. Critics charged that police routinely shoot to kill. Courts investigating instances in which police officers were charged with specific unjustifiable killings ordered the arrest and sentencing to prison of several police officials, reportedly for terms of from 6 to 9 years. Sources could not confirm whether any police officers are actually serving time for such killings, as the judicial process is slow and complicated.

Politically motivated bombings continued but on a markedly reduced scale from last year. Most were small explosions late at night, causing little damage and few injuries. Targets through the year included national political parties; military, church, press, and judicial officials; trade union leaders; political figures of both the extreme right and left; and public buildings. The perpetrators never claimed responsibility for these bombings, and police have yet to make any arrests in these cases.

b. Disappearance

There were no known abductions, secret arrests, or disappearances linked to or condoned by the Government during 1989. A civilian judge is investigating charges by the survivors of the La Tablada attack that three or four of the attackers disappeared or turned up dead after surrendering to the police.

The independent judicial system continued the painful process of determining custody of children whose parents disappeared during military rule (1976-1983). In a related development, the Government of Paraguay returned to Argentina children tentatively identified as offspring of Argentines who disappeared during military rule. These cases remain under court investigations. In one instance a medical examination failed to confirm the paternity of two children.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the criminal code provides penalties for torture which are similar to those for homicide. Argentina has ratified the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or

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Punishment. However, human rights groups and critics accuse police of mistreatment of prisoners. They charged the police with misuse of force and at least 18 instances of torture linked to efforts by the security forces to control the looting which took place in late May. According to a publication of the Permanent Assembly for Human Rights (APHD), charges were made before the courts in September in these 18 cases. Other complaints of mistreatment of minors were either dropped by the courts or lost in the legal system. In one case a court sentenced three police officers to what reportedly were 3-year prison terms after finding them guilty in a 1986 torture case. Investigations of claims of mistreatment are handled by the Undersecretariat of Interior for Human Rights and through judicial review. Several formal claims of mistreatment were filed in 1988 before the Interior Ministry. Human rights officials believe these are included among the cases considered by the courts during 1989.

d. Arbitrary Arrest, Detention, or Exile

Argentina has a well-developed legal code containing explicit protections of individual rights and controls on police arrest and investigatory powers. Arrests require probable cause or a judicial order, and the law provides for a judicial determination of the legality of detention. However, the penal code gives the courts authority to detain persons without notice or charges for up to 8 days during investigations. Even in the case of minor offenses, holding suspects without charges for several days is not uncommon. Involuntary exile is not permitted or practiced.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Argentina's judicial system is widely recognized as fair and independent, albeit slow and cumbersome. The Constitution and penal code provide for trials before judges and appellate review of all judicial rulings, including those of military courts. Federal courts interpret constitutional protection against "arbitrary" trial process to permit wide-ranging review of criminal prosecutions. As in most civil law countries, trial by jury does not exist; judges render verdicts.

The police have legal authority to adjudicate misdemeanors, which are often settled by senior police officials. The legal system provides public defenders, but 1989 caseloads exceeded their capacity. The right to bail is provided by law and observed in practice.

The pardon granted by President Menem provided for the release of those few persons considered by human rights groups to be political prisoners. Some human rights activists are beginning to focus on some of the La Tablada defendants as political prisoners. The Government rejects this contention, however, on the basis that none of these persons fall within the accepted definition of political prisoners.

The human rights community continued to criticize the Supreme Court's broad interpretation of the "Due Obedience" Law as it had earlier criticized passage of the law itself. Court proceedings against several military officers not covered by President Menem's pardons, the "Due Obedience" doctrine, or the "Punto Final" (Final Point) continue in the federal

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appellate courts.

Retired General Orlando Agosti, who had served 3 years and 9 months of a sentence for human rights violations committed during the period of military rule, was released in May.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is constitutional protection against unreasonable search and seizure. No cases of arbitrary intrusion by the State into the private lives of persons were reported in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under both the Alfonsin and the new Menem administration, Argentina continued to enjoy a free and relatively independent press, which covers a wide range of political viewpoints. Criticism of the Government and opposition viewpoints are vigorously expressed. The State owns 55 of 170 AM radio stations outright and other governmental entities own 11 more, while the Federal Broadcast Authority licenses and thus controls the franchises of the remainder. The Federal Government owns one of the four nationally syndicated Buenos Aires television stations (two others were privatized in December 1989), and two radio stations.

The Government plans to continue operating the official news agency, TELAM, which has more than 300 clients throughout the country and serves as the exclusive agent for all government advertising. With more than 40-percent of the Argentine economy in the hands of the State, TELAM wields formidable political influence to authorize or refuse government advertising to media outlets.

At both of its general assemblies in 1989, the Association of Newspaper Editors of Argentina (ADEPA) declared that freedom of the press did exist in Argentina, with only few exceptions. The group issued a detailed report of the various legislative and judicial acts which have impaired freedom of the press in recent years. For example, ADEPA denounced the house arrest of journalist Raul L. D'Altri, editor of the newspaper La Arena, for having refused to reveal a source of information, and deplored several provincial laws that imposed financial burdens on the press. ADEPA also reported other cases of judicial proceedings impairing freedom of the press, including the prohibition of an advertisement on behalf of former President Videla. The publicity generated by these cases indicates that the few exceptions to the prevailing freedom of the press received wide public attention.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

All groups and political parties are free to organize and assemble. The law requires political parties to support the Constitution and a democratic, representative, republican, and federal form of government in order to register for elections. At present, no party is denied registration. During the campaigns leading to the presidential elections in May, all major political parties held mass rallies without interference. The labor movement, human rights organizations,

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ethnic communities, and other groupings held frequent demonstrations and rallies without interference or incident.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for the free exercise of religion, but also establishes Roman Catholicism as the state religion. The Government provides financial support to the Roman Catholic Church, and the Constitution requires the President and Vice President to be Roman Catholics. Other religions must complete a pro forma registration with the Government to obtain legal recognition. Missionaries from any religion are permitted to enter Argentina and proselytize, and the non-Catholic population is growing. Argentina's Jewish community (at an estimated 300,000, the largest in Latin America) practices its religion without official interference or legal restriction. In June the Government introduced legislation which would make those found guilty of mocking or ridiculing religious ceremonies subject to prison sentences.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

International and internal travel as well as emigration are unrestricted. Refugees are not forced to return to countries from which they have fled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since September 1983, Argentina has held four national elections to choose federal, provincial and local officials. The elections were free, fair, and democratic, with universal suffrage. The Justicialist (Peronist) Party currently controls the executive and legislative branches of government. Political parties ranging from left to right are represented in Congress as a result of the 1987 and 1989 elections. Additional parties hold office in individual provinces. From the powerful Radicals to miniscule provincial movements, Argentina's opposition parties operate without hindrance. Women and minorities have full political rights by law.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperates fully with international human rights organizations, which enjoy unrestricted access in Argentina. Eleven domestic human rights organizations operated openly in 1989, despite occasional and anonymous bombings, death threats, and harassment. Since 1983 the domestic human rights community has strongly and continuously opposed all efforts to limit military accountability for abuses committed during military rule. Despite these forceful protests, a pardon was issued in October by President Menem absolving most military personnel from prosecution for human rights violations committed during the "Dirty War."

Argentina plays an active role in both the United Nations Human Rights Commission (UNHRC), where it chairs an important subcommittee of experts, and the Organization of American

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States' Inter-American Human Rights Commission. The Government has facilitated efforts by domestic human rights organizations to address both of these international bodies in opposition to the government's judicial policies towards the military, and has cooperated with UNHRC efforts to investigate cases involving missing children from the 1976-83 period of military rule. Argentina has ratified the American Convention on Human Rights (1984) and the U.N. Conventions on Torture, Civil and Political Rights, and Economic, Social and Cultural Rights (all in 1986) and accepted compulsory jurisdiction by the Inter-American Court of Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Congress passed a law in 1988 that authorizes criminal penalties for discrimination on the basis of race, sex, religion, and other categories. Although there is no official policy of discrimination against them, Argentine women have to contend with bias rooted in the sociocultural traditions of the country. Argentina adheres to the U.N. Convention for the Elimination of Discrimination Against Women.

According to the Foreign Ministry's Undersecretary for Human Rights and Women, violence against women is not considered to be a major problem in Argentina. Such abuse, including domestic violence such as wife beating, exists, but because of inadequate statistical data, the true extent of the problem is difficult to determine. Because victims are frequently reluctant to file reports or to press charges, the likelihood is that cases are significantly underreported. There is an apparent increase in the number of cases being brought before the courts because there are now three police stations established to handle reports of violence against women. This increase may also be due to greater public awareness of this problem caused by extensive publicity given specific cases. Enhanced media interest in the issue is credited with bringing about a greater awareness of this type of violence, giving the appearance that it is on the rise. Neither society nor the Government condone violence against women.

There is a history of anti-Semitism in Argentine society, which produces occasional anti-Semitic incidents. In the course of 1989, the Delegation of Argentine Jewish Associations (DAIA), Argentina's umbrella Jewish organization, condemned anonymous threats and anti-Semitic public statements by public figures (none of them government officials). For example, an instructor at the La Plata Police School was dismissed for distributing anti-Semitic papers to students. Senior government and political officials have condemned such acts. There has also been an unofficial but systematic exclusion of Jewish Argentines from certain institutions such as the armed forces.

Section 6 Worker Rights

a. The Right of Association

There is free right of labor association in Argentina. The labor movement, which includes about one-third of the national work force, is a major independent economic and political force. Although trade unions are independent of the Government, the vast majority of union leaders are allied to the ruling Justicialist Party and are active in the Peronist movement, while retaining their freedom of decisionmaking

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outside of party control. Congress passed legislation in 1987 and 1988 which reinstituted laws governing labor relations and other trade union rights which previous military governments had suspended. The right of association was enhanced by these laws. Trade unions are free to associate with international organizations, and many Argentine unions are affiliated with, and active in, international trade union groups.

In 1989 the International Labor Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations expressed satisfaction with the legislation passed in 1987 and 1988, but questioned whether the membership requirements for legalizing alternative trade unions were too stringent.

Unions have the right to strike, subject to compulsory conciliation and arbitration by the Labor Ministry. Workers have the right to receive their salaries while on strike until the Labor Ministry orders compulsory conciliation. Strikes by teachers, state-owned enterprise employees, and civil servants dominated the strike scene in 1989.

b. The Right to Organize and Bargain Collectively

By law, labor and management have a binding collective bargaining process which sets wage levels on an industrywide basis. The State's involvement in this process is limited to ratifying the agreements, which provides them with legal status. The Government continues to offer wage guidelines under its economic emergency adjustment program, and directly sets wages in state-owned enterprises. Antiunion discrimination is prohibited by law and well-developed mechanisms are in place and functioning to resolve complaints. Some provinces provide rights and obligations additional to those in federal legislation.

There are no officially designated export processing zones in Argentina.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is illegal in Argentina and is not practiced.

d. Minimum Age for Employment of Children

The law prohibits the employment of children under 14 years of age, except in the family. Minors of ages 14 and 15 may work in restricted types of employment, but not more than 6 hours a day or 35 hours a week. The same law applies to minors 16 to 18 years of age, although competent authority may allow exceptions. Violations are tried before the appropriate courts. Enforcement of child labor laws is hampered by the severe economic crisis in Argentina, which forces many families to have as many members as possible working in order to survive. Laws are enforced to the extent possible by the authorities, but it has proven almost impossible to control this type of illegal labor activity under circumstances where economic necessity forces children to seek work.

e. Acceptable Conditions of Work

Argentina offers comprehensive protection of workers' rights. The maximum workday is 8 hours; the workweek is 48 hours. Premiums must be paid for work beyond those limits. Rules

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governing vacations, minimum wages, and occupational health and safety are comparable to those in Western industrial nations and are enforced by the Government and labor unions in the formal economy. Argentina, however, has a large underground economy which employs an undetermined number of people, including children. This sector is difficult to police, and workers can be denied basic rights and benefits because they fear losing their jobs if they report labor code violations. Government and labor unions find it difficult to police small employers on the fringes of this underground economy.

The official minimum wage in Argentina, eroded by hyperinflation in 1989, is currently set at about \$15 per month. Government and trade union officials agree this is not sufficient to provide a decent standard of living for a worker and his family, but they differ on how soon it should be changed. It was subject to monthly revision during the first 6 months of 1989, but remained steady since July as the Government attempted to bring inflation under control. Government officials argue that few workers are paid at the minimum wage level and that wages have improved under the collective bargaining process, without the necessity of boosting the minimum wage level. Union leaders accept the need for restraint on wages but argue for an increase in the minimum wage, to provide protection, and a wage floor to lower paid workers. Special salary bonuses were provided to all workers in December.

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The Bahamas is a constitutional, multiparty democracy. A member of the Commonwealth of Nations, its political and legal traditions are similar to those of the United Kingdom. The Queen is recognized as Head of State and represented by an appointed Governor General. The Progressive Liberal Party (PLP) has governed since 1967 under the same leader, Prime Minister Sir Lynden O. Pindling. The last general elections were in June 1987.

The police and small defense force generally respect the human rights provisions of the Constitution and other statutes. There have, however, been allegations of mistreatment of some prisoners by the police. The Bahamas has a well-established judicial system based on British common law and procedures.

Tourism is the mainstay of the economy, accounting for approximately 60 per cent of the gross national product; finance and off-shore banking is the second most important sector. Government efforts to diversify the economy have met with little success.

The Constitution provides for the protection of fundamental rights and freedoms without discrimination by reason of sex, race, religion, national origin, or political opinion, and its provisions are generally observed. The Bahamas' human rights record remained generally good in 1989, but police abuse of detainees and unsafe and unhealthy prison conditions were cause for concern.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killing.

b. Disappearance

There were no reports of politically motivated abductions or disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the use of torture and other forms of cruel or degrading treatment or punishment. However, both Americans and Bahamians detained by police continue to report instances of police brutality during the course of arrests and interrogations. In an incident currently under investigation, the Bahamian Defence Force boarded a U.S.-registered power boat to search for drugs, failed to produce identification, and allegedly physically assaulted the captain and crew.

Prisoners at The Bahamas' one prison facility, Foxhill, located just outside of Nassau on New Providence Island, have reported and independent observers have confirmed, that conditions are unhealthful and harsh. A local newspaper article described the "initiation" rite of homosexual rape performed on some new prisoners--a practice of particular concern given the relatively high incidence of AIDS in the population. Even prison officials acknowledge that

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overcrowding is a problem. Four to five prisoners are usually housed in 6-foot by 8-foot cells for 23 1/2 hours daily 5 days a week and are not permitted to leave their cells at all the other 2 days. Sanitation facilities are, at best, poor, with most cells equipped only with a slop bucket or trench-type urinals that provide breeding grounds for insects.

In the women's section, female prisoners are housed in dormitories containing 20 to 24 bunk beds. They are given considerably more time outside of the cells than are male prisoners and are not generally subjected to sexual assault. However, frequent floods caused by heavy rains sometimes leave about 2 inches of standing water in the dormitories. As pipes back up, human waste mixes with the water, and tarantulas and centipedes seek refuge in the beds. Some prisoners have alleged occasional deliberate neglect of ill prisoners by guards.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention. The right to a judicial determination of the legality of detention is respected; charges are normally brought within 48 hours of arrest, and those arrested are usually allowed access to an attorney of their own choosing.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

An independent judiciary, appointed by the executive branch on the advice of a Judicial and Legal Service Commission, conducts fair and public trials. The Constitution entitles defendants to counsel, and access to defendants is freely permitted. There have been instances, however, when persons accused of a crime have spent periods of as much as 18 months in maximum security facilities awaiting trial. Legal representation at public expense is provided only for capital cases. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere in the private lives of its citizens. The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property can be entered and searched. The Government neither censors mail nor restricts receipts of foreign correspondence or publications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is restrained primarily by strict libel laws and the government monopoly of radio and television. The Bahamas operates under a libel law unchanged since the 19th century. While journalists generally find the law somewhat rigid, its supporters claim that it results in a more dignified and courteous treatment by the press than would be the case without it. While the two privately owned daily and one weekly newspapers freely criticize government policies, they also refrain from scrutinizing certain issues for fear of libel suits; the morning daily lost at least two major suits in 1989. The result is a form of self-censorship

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which attenuates public debate on controversial issues.

Radio and television broadcasting is a government monopoly under present legislation. The government-controlled Broadcasting Corporation of the Bahamas (BCB) operates radio services in Nassau and Freeport and a nationwide TV service from Nassau. A private U.S.-based cable TV system presently exists in Freeport, although there are reports that the Government is pressuring the owners to sell at below free market price. In September opposition politicians once again introduced legislation which, if adopted, would permit the licensing of privately owned radio stations. They argue that the government-run BCB cannot objectively comment on government policies, and that this is particularly important in the case of radio, the major source of news for Bahamians. For example, current legislation allows the government party to purchase four 15-minute broadcasts each year and the opposition to buy one 15-minute broadcast annually if it constitutes less than a third of Parliament. Two opposition broadcasts are possible if they hold more than a third of parliamentary seats. Generally, however, the views of the Government receive a thorough airing on radio and television programs while those of the opposition and the Government's other critics are given little notice. The opposition's proposal was referred to committee after a parliamentary debate in which even some government party members expressed support for amending the present law. Foreign books and publications freely enter the country and academic freedom appears to be respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of free assembly and association, and these rights are observed in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is full freedom of religion, and discrimination based on creed is prohibited. There is no favored or official state religion, but most church members belong to Protestant denominations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel domestically and abroad, and there are no restrictions on the right to change residence or workplace. Large groups of Haitians continued to enter Bahamian waters, and the Bahamian Defense Force and the U.S. Coast Guard have cooperated in repatriating them. From April 1988 to July 1989, 20 Cuban refugees landed while attempting to flee Cuba for Florida. Although The Bahamas is signatory to the U.N. Protocol of 1968 relating to refugees, the Cubans were treated as illegal immigrants and jailed for varying periods. They were eventually released to await third-country resettlement.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Bahamas is a constitutional democracy with a multiparty political system. The political process is open to all

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members of society, with citizens aged 18 and over eligible to register and vote. There are two principal parties: the governing Progressive Liberal Party (PLP) and the opposition Free National Movement (FNM). The PLP led the country for 5 years of internal self-government before independence in 1973 and has held power without interruption since.

General elections held in June 1987 returned the PLP to power with a clear parliamentary majority. The FNM, however, claiming extensive electoral violations, challenged the results in the electoral court. The PLP responded by challenging seats won by the FNM. The electoral court settled nearly all of these challenges in September; the composition of Parliament, in which the PLP holds 31 seats, the FNM 16, and independents 2, remained unchanged.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international human rights organizations visited the Bahamas during 1989. There are two local human rights groups, the Grand Bahamas Human Rights Organization and the New Providence Human Rights Organization. During 1989 the latter took a strong stand against a proposed National Service Bill which would have restricted the constitutional rights of those in National Service; the bill never came to a vote in Parliament. The Government made no effort to restrict the activities of either of these organizations or any international organization investigating human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The law prohibits discrimination on grounds of sex, race, or religion, and The Bahamas has a generally good record in this regard. Women participate prominently at all levels of government and are well represented in the judiciary as well as in professional and business sectors. There does not appear to be a significant wage gap. The Constitution does, however, make several distinctions between the sexes regarding citizenship by, for example, preventing female Bahamians from bestowing citizenship upon their spouses.

Abuse of women, particularly spousal abuse, is a problem in The Bahamas. However, it is unusual for a spouse to be charged and convicted of a crime stemming from domestic violence. In late 1989 the House of Assembly considered legislative changes to strengthen the provisions against spousal and child abuse. The bill was with the House of Assembly Committee of the Whole but was expected to be passed before the end of the session.

Section 6 Worker Rights

a. The Right of Association

The Constitutional provision for the right of free assembly and association specifically mentions labor unions, and unions operate freely without restriction. They are independent of government control, have the right to strike, choose their own delegations to the International Labor Organization (ILO), and maintain affiliations with international and regional labor organizations. Although construction workers at a hotel project conducted a three-week "withdrawal of services", no

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official strikes were registered in 1989.

b. The Right to Organize and Bargain Collectively

Workers are free to organize, and unions engage in collective bargaining without government interference or restriction in any sector. Collective bargaining is extensive for the 30 percent of the work force which is organized. The Department of Labor attempts to mediate disputes, and the law provides for arbitration tribunals to help resolve stalled contract negotiations. Notwithstanding the provisions of the Industrial Relations Act of 1970 which prohibit discrimination by employers against union members and organizers, unionization of retail store and restaurant employees has been discouraged over the years by employer pressure and arbitrary dismissal practices. Allegations of antiunion discrimination are ultimately decided by the Supreme Court. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced or compulsory labor, and it is not practiced.

d. Minimum Age for Employment of Children

There is no legal minimum age for the employment of children. Although the law does not specifically address child labor, the requirement of compulsory education until age 14 effectively discourages child employment.

e. Acceptable Conditions of Work

Under the Fair Labor Standards Act, employers cannot permit their employees to work more than 48 hours a week. This provision is effectively enforced. Maternity leave is provided by law for female workers, who are guaranteed their right to reemployment following childbirth. The Labor Department conducts periodic inspections of workplaces to ensure lighting, safety, and ventilation standards are met. There is no minimum wage law in the Bahamas; however, wage levels in this primarily service-oriented, tourist-based economy are considered to provide a decent standard of living for workers.

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Barbados is a member of the Commonwealth of Nations and a constitutional democracy with a multiparty, parliamentary form of government on the Westminster model. Its House of Assembly is the third oldest elected body in the Western Hemisphere. Barbadians recognize the Queen of England as Head of State; she is represented by an appointed Governor General. The Prime Minister is the head of government and governs with an appointed Cabinet.

The Royal Barbados Police Force is charged with maintaining public order; it respects constitutional and legal guarantees of human rights. Police morale is good, and public respect for the police force is high. The small volunteer Barbados Defence Force is responsible for national security, but is used for public order in times of crisis, emergency, or other specific need.

The country's economy, based on tourism, light manufacturing, services, and sugar, is highly susceptible to external economic developments. Nevertheless, the economy has registered positive growth for the past several years, led by the tourism and construction sectors.

Barbados has a long record of respecting human rights. There was no change in that record during 1989.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

There were no reports of such killings.

b. Disappearance

There were no reports of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and there were no reports in 1989 of cruel, inhuman, or degrading treatment or punishment.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment, and requires detainees to be brought before a court of law within 72 hours of arrest. These provisions are respected in practice. Criminal defendants have the right to counsel, and attorneys have ready access to their clients. Exile is not used as a punishment or means of political control.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides that persons charged with criminal offenses be given a fair, public hearing within a reasonable time by an independent and impartial court. Defendants are presumed innocent until proven guilty. The Government provides free legal aid to the indigent. The judiciary acts

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independently and is free of intervention from other branches of government. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere arbitrarily in the private lives of its citizens. The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property may be entered and searched. The Government neither censors mail nor restricts the receipt of foreign correspondence or publications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, and these rights are respected in practice. There are five radio stations, two of which are government owned. CBC television service (the sole television station) is government owned. Though CBC is not independent of government control, views opposing government policies are regularly reported, though opposition political figures occasionally claim their positions are slighted or ignored. There are two independent daily newspapers in which opposing political views are presented. The Government regularly comes under attack in the newspapers and on two popular daily call-in radio programs. Barbados hosts the Cave Hill campus of the University of the West Indies, and academicians across the political spectrum express their views freely.

b. Freedom of Peaceful Assembly and Association

The Government observes the constitutional guarantees of peaceful assembly and private association. Permits are required for public demonstrations, and they are routinely granted. Political parties, trade associations, and private organizations function and hold meetings and rallies without government hindrance.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is full freedom of religion. While the Anglican and Methodist faiths have traditionally predominated, there are numerous other active religious denominations and organizations throughout the country. Foreign missionaries of various faiths proselytize freely. The Caribbean Conference of Churches is headquartered in Barbados and publishes its materials there.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents move freely within Barbados, and leave and enter the country without restriction, rights provided for in the Constitution. Barbados has a small number of applicants for admission as refugees; their applications are processed on a case-by-case basis.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have this right in law and exercise it in practice. Political parties freely compete in fair elections by secret ballot at least every 5 years. There are no impediments to participation in the political process, and all Barbadians over age 18 may vote. The present Democratic Labour Party (DLP) Government won the May 1986 election, taking 24 of the 27 seats and replacing the incumbent Barbados Labor Party (BLP) government. A small Marxist party, the Workers Party of Barbados, was formed in 1985, but has attracted little support. It participated marginally in the 1986 election and holds no parliamentary seats. In 1989 four DLP Members of Parliament resigned from the party and formed the National Democratic Party, replacing the BLP as the official opposition by virtue of its four seats in Parliament. A Cabinet of Ministers, appointed by the Prime Minister, exercises executive power.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no reports of human right violations in Barbados during 1989, and human rights groups have not requested any such investigations. The Government publicly advocates strengthening the human rights machinery of the United Nations and the Organization of American States, as well as more investigations into alleged violations of human rights in other countries and the increased use of fact-finding or observer teams to monitor controversial political and electoral situations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for equal treatment under the law, regardless of race, religion, or sex. These provisions are respected in practice. Women form a large percentage of heads of household in Barbados and are not discriminated against in public housing and other social welfare programs. Compulsory education through the secondary level is enforced uniformly. Barbados is a signatory of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women. Women actively participate in all aspects of national life and are well represented at all levels in both the public and private sectors. Women's rights groups exist; they are devoted primarily to promoting women's participation in the professions and, to a lesser extent, to safeguarding legal rights of illegitimate children.

The Government has not singled out violence against women as a particular or acute social problem, and this assessment that violence against women is not characteristic of Barbadian society is supported by female private sector lawyers who are active in women's issues, with the Attorney General's office, and with the president of the National Association of Women. Criminal penalties for violent crimes are the same regardless of sex of offender or victim. Penalties for simple assault are minimal for first offenders, usually a small fine. For repeat offenders or those with a history of violent acts, jail sentences are usually imposed. In cases of domestic violence, courts also typically issue restraining orders if requested by the victim, the breach of which is punished by a jail

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sentence. The penalty for rape is imprisonment for up to 14 years. In 1989 there were a number of cases in the local courts of domestic violence involving assault or wounding, although women's rights groups point out that there is still some reluctance on the part of victims to report such incidents. New legislation is under consideration by the Government which would change trial procedures in rape cases to provide additional protection for the privacy of the victim.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form and belong to trade unions and to strike, and freely exercise these rights. There are two major unions and several smaller ones, representing various sectors of labor. The largest union, the Barbados Worker's Union (BWU), is historically closely associated with the governing DLP (BWU officers hold three elected parliamentary seats and the appointed post of President of the Senate), but the union is not controlled by the party or Government. Trade unionists' personal and property rights are given full protection under law. There were no major strikes or other industrial actions in 1989, but unions have resorted to strikes in recent years. Strikes are illegal in public services. Barbadian trade unions are free to affiliate to trade union internationals and are active in a variety of regional and international labor organizations. Barbados is a member of the International Labor Organization (ILO) and has ratified ILO conventions 87 and 98 dealing with freedom of association and collective bargaining.

b. The Right To Organize and Bargain Collectively

The rights to organize and to bargain collectively are provided by law and respected in practice. Over 20 percent of the working population is organized, and wages and working conditions are negotiated through the collective bargaining process. Employers have no legal obligation to recognize unions but most do when a majority of their employees are organized. Workers who may be subject to antiunion discrimination have recourse to the Department of Labor, whose chief labor officer conducts inquiries. There are no manufacturing or special areas where collective bargaining rights are legally or administratively impaired. Barbados has a number of export processing zones; none of these are closed to union organizers, and there do not appear to be any informal strictures on unionization.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by the Constitution and does not exist.

d. Minimum Age for Employment of Children

The legal minimum working age of 16 in Barbados is generally observed. Minimum age limitations are reinforced by compulsory primary and secondary education policies.

e. Acceptable Conditions of Work

The standard workweek is 40 hours in 5 days, and workers are guaranteed a minimum of 3 weeks of annual leave. Minimum wages for specified categories of workers are administratively

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established and enforced by law. The minimum wage for shop assistants (entry level commercial workers), \$75 per week, is marginally sufficient to meet minimum living standards; most employees earn more. All workers are covered by unemployment benefits legislation, and by national insurance (social security) legislation. A comprehensive government-sponsored health program offers subsidized treatment and medication. Legally mandated health and safety standards are enforced by the Department of Labor, and are in keeping with normal standards.

BELIZE

Belize is a parliamentary democracy organized under a Constitution enacted in 1981 upon independence from the United Kingdom. It is governed by a Prime Minister, a Cabinet of Ministers, and a Legislative Assembly. A Governor General represents Queen Elizabeth II in the largely ceremonial role of Head of State. Both local and national elections are scheduled on a regular, constitutionally prescribed basis, and the two national political parties--the People's United Party (PUP) and the United Democratic Party (UDP)--field competing slates of candidates. The Government changed hands, for the second time since independence in 1981, when the PUP won a majority of National Assembly seats on September 4, 1989.

The security forces of Belize consist of the Belize National Police (BNP) and the Belize Defence Force (BDF). They are responsible to and controlled by civilian authorities. During 1989, narcotics producers and transshippers in Belize continued to tax the scarce resources of the security forces.

A developing nation with an estimated population of 203,000, Belize has an open market economy. The Government favors free enterprise and actively encourages increased private investment, both foreign and domestic. In 1988 the gross domestic product increased 7.6 percent, and per capita gross domestic product was an estimated \$1,284.

Constitutional protections for the fundamental rights and freedoms of all Belizeans are upheld by an independent judiciary. Persons may freely associate, hold private property, speak freely, and pursue private interests. An active and unconstrained press buttresses these civil and political rights. The country's overall human rights record remains good.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or other cruel, inhuman, or degrading treatment or punishment. Such treatment is expressly forbidden by the Constitution.

Occasional allegations of police misconduct have led to prompt investigations, followed, when necessary, by disciplinary action or dismissal.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or detention, and these provisions are respected in practice. A person must be

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informed of the cause of detention within 48 hours of arrest and must be brought before a court within 72 hours. The Constitutional Affairs Committee in the House of Representatives has recommended that the maximum allowable time for informing a detainee of the cause of his arrest be shortened from 48 to 24 hours. In practice, all detainees are informed immediately. Bail is granted in all but the most serious cases. Exile is forbidden by the Constitution and does not occur.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Persons accused of criminal activity have constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, public trial, and appeal. Trial by jury is mandatory in criminal cases.

Those convicted by either a magistrate's court or the Supreme Court of Belize may appeal to the Court of Appeal. In some cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Queen's Privy Council in the United Kingdom. In 1989 these constitutional guarantees were respected by a judiciary which is independent of the executive and is an effective guarantor of an equitable system of justice. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional provisions for the protection of personal property, privacy of home and person, and recognition of human dignity are generally honored by the Government. A search of private premises may be undertaken only if a warrant is obtained in advance, except in the case of suspected possession of illegal firearms, and search of the person may be effected only with just cause.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and the press are protected under the Constitution and by local custom. In practice, all viewpoints are publicly presented without government interference. Five privately owned weekly newspapers, three of them fiercely partisan, engage in lively debate of public issues. The opposition press is a frequent critic of government officials and policies. All newspapers are subject to the constraints of libel laws.

Before winning the September 4 election, the opposition PUP accused the Government of censorship because the Belize Broadcasting Authority (BBA), a government agency, screened all advertisements submitted for television broadcasting and rejected several PUP submissions on grounds that they were not factual. The PUP played the rejected advertisements at rallies. Other PUP ads were aired on television. The PUP turned down an offer from the BBA to participate in a televised debate between leading candidates of the two parties.

Fourteen privately owned television broadcasting stations, including several cable networks, operate throughout Belize under the authority and regulation of the BBA. The BBA bans

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such programming as pornography, requires that a minimum of 2 percent of programming be locally produced, and must authorize certain broadcasts, such as those with political content. The BBA continues to assert its right to edit any defamatory or personally libelous material from the political broadcasts of both parties before these are aired. For lack of privately owned commercial radio stations, the BBA has a de facto monopoly on radio broadcasting.

Academic freedom is vigorously exercised.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is constitutionally assured and is honored in practice. Political parties and other groups with political objectives freely held rallies and mass meetings in 1989, especially before the September elections. The intelligence service, dissolved in 1989, at times observed and monitored public political meetings, but no instance of harassment or interference has been reported. Under the Constitution Belizeans are free to form and join associations of their choice, both political and nonpolitical. The Government officially charters those associations which wish to benefit from legal provisions, such as tax-free status for charitable and nonprofit organizations, but less formal, unchartered associations also exist. The organizers of public meetings must obtain a permit 36 hours in advance of the meetings, and such permits are rarely denied.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion in Belize. All groups may worship as they choose, and all groups and churches may establish places of worship, train clergy, and maintain contact with coreligionists abroad. There is an active missionary presence. In church publications and from the pulpit, church leaders comment on government and political policies as these affect the social welfare of the country. A broad-based partnership of the Government and several different churches active in education successfully operates and administers most of Belize's primary and secondary schools. No political party is affiliated with any particular church or religion, and no church or religious affiliation gives political advantage or disadvantage to its adherents.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement within the country. Foreign travel, emigration, and repatriation are unrestricted. The Constitution mandates forfeiture of Belizean citizenship for those who knowingly and willingly accept citizenship of another country.

While emigration is widely accepted, a wave of immigration from neighboring Central American countries has proven controversial. Estimates of the number of aliens living in Belize since 1980 continue to hover around 40,000. There are no exact numbers for alien arrivals or departures. In 1990, however, the Government of Belize is scheduled to undertake a census which may yield a more accurate tally of aliens. The original government enthusiasm for, and assistance to, the new

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arrivals waned as public resentment of their increasing presence spread. The Government has worked closely with the United Nations High Commissioner for Refugees (UNHCR) in planning a wide variety of future assistance projects which will benefit both Belizeans and aliens, thereby defusing potential resentment toward the aliens and helping to minimize the chance that they will suffer discrimination. In 1989 no refugees were either forced or pressured to return to their countries of origin. The UNHCR maintains an office in Belize, but the Government has not ratified the United Nations Convention on Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Belize is a parliamentary democracy governed by a fairly elected Legislative Assembly, with executive direction coming from a cabinet of ministers headed by Prime Minister George Price. By constitutional mandate, the Governor General instructs the leader of the majority party of the National Assembly to form a Government following national elections, which must be held at least once every 5 years. Municipal and town board officials are elected in local contests at 3-year intervals. Belize experienced a peaceful and orderly transfer of power from the UDP to the PUP in the national elections of September 1989, when the PUP won 15 of the 28 seats in the British-style House of Representatives in an election in which 73 percent of the electorate voted.

All elections are by secret ballot, and suffrage is universal for Belizean citizens 18 years and older. Observers of the polling in each of Belize's six regions during the September 1989 national elections found procedural safeguards to be fully functioning. There were no allegations of electoral fraud despite the narrow margin of the popular vote (50.2 percent) by which the Government changed hands.

The two main parties dominate Belizean political life, and each party's membership cuts across all segments of Belize's diverse ethnic groupings. The ruling party's narrow parliamentary majority suffices for setting policy, but Belize's democratic heritage and the forces of public opinion, an independent judiciary, and a free press ensure that public policy making remains open.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no known requests by international human rights organizations to investigate human rights violations in Belize, and no international human rights organization maintains an office in Belize. Senior government officials state that the Government would cooperate with any reputable, internationally recognized human rights organization which wished to establish an office in Belize.

The Human Rights Commission of Belize, a nongovernmental organization that opened offices in late 1987 maintained a low profile throughout the year and issued few public statements.

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Language, or Social Status

There is no discrimination on ethnic or religious grounds. All Belizeans have equal protection under the law.

Despite constitutional provisions of equality, Belizean women face some prejudices rooted in social and economic practice. The Government worked to overcome this problem by funding a Women's Bureau charged with developing programs to improve the status of women in Belize. Founded in 1981, the Women's Bureau was upgraded in 1986 to a government department within the Ministry of Labor and Social Services. A number of officially registered women's groups work closely with various government ministries in promoting social awareness programs. Women have access to education and are active in all spheres of national life. Women generally receive the same wage as men for similar work.

Domestic violence against women is a chronic cultural problem. In 1985 a group of Belize City residents began the Belize Women Against Violence movement (WAV) which now has branches elsewhere in Belize. The group operates a shelter for battered wives and a hotline for rape victims, and has obtained cooperation from the Ministries of Home Affairs and Education. The Government is committed to increasing the safety of women; it has imposed a minimum sentence for rape convictions of 7 years' actual custody.

Section 6 Worker Rights

a. The Right of Association

By statute and in practice Belizean workers and employers are free to establish and join labor organizations, and the labor union movement is a significant factor in Belize's economy. Eleven active unions, with an estimated 30 percent of the labor force on their rolls, effectively represent a broad cross-section of white-collar, blue-collar, and professional workers, including most civil service employees. The unions are considered official by the Ministry of Labor when they have filed with the Office of Registry. Members are empowered to draft the by-laws and constitutions of their unions, and they are free to elect officers from among the membership at large. Unions which choose not to hold elections can act as representatives for their membership, but only unions which hold free and annual elections of officers are permitted to join the national Trade Union Congress of Belize (TUC), which is affiliated with the Caribbean Congress of Labor and, through the Inter-American Organization of Workers, with the International Confederation of Free Trade Unions (ICFTU). By both law and precedent, unions are effectively protected against dissolution or suspension by administrative authority.

Unions are legally permitted to strike, but unions representing essential services may strike only after giving 21 days of notice to the ministry concerned. Only employees providing "essential services" must accept conciliation by the Labor Commissioner before going on strike. In practice, the Labor Commissioner acts as a conciliator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Historically, the Commissioner's guidance has been voluntarily accepted. However, should either union or management choose not to accept the conciliator's decision, both are empowered

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to a legal hearing of the case, provided that it is linked to some valid provision of civil or criminal law. There were no strikes during 1989. No union is officially affiliated with any political party, although several unions are clearly allied to one or the other of the two main parties.

b. The Right to Organize and Bargain Collectively

Legally, all unions may freely organize. Union activities are protected from antiunion interference by article 13 of the Constitution which specifically prohibits antiunion discrimination both before and after the union is officially registered. Cases of antiunion discrimination can be brought to the Supreme Court for Constitutional redress. The last such case was brought to the Court 5 years ago. Virtually every sector of the economy has been unionized to some degree. Established unions are effectively protected from antiunion interference by both precedent and law, and union officials and membership rarely, if ever, encounter discrimination. Collective bargaining is the rule rather than the exception in most labor negotiations, and workers are fully represented in negotiations for the prevention or settlement of disputes with employers.

There are no export processing zones or other areas where union organization or collective bargaining are impeded or discouraged.

c. Prohibition of Forced or Compulsory Labor

Forced labor is forbidden by the Constitution and does not occur.

d. Minimum Age for Employment of Children

The minimum age of employment in Belize is 14 years, or 17 years for employment near hazardous machinery. Inspectors of the Ministries of Labor and Education enforce this regulation, although in recent years school truancy officers, who have historically borne the brunt of the enforcement burden, have been less active.

e. Acceptable Conditions of Work

No set minimum wage covers all Belizeans, but some categories of service employment, such as retail, restaurant, domestic, and health care jobs have minimum hourly wage standards of approximately \$0.75 per hour. Although unemployment is widespread, the conjunction of wage rates and hours worked has normally been sufficient to provide employed Belizeans and their families with an adequate standard of living. No worker is obliged to work more than 6 days or 45 hours per week. Payment of overtime work is obligatory, as is an annual paid holiday of 2 weeks. A patchwork of health and safety regulations covers numerous industries, and these are enforced to varying degrees of effectiveness by the Ministries of Labor and Public Health. Enforcement is not universal countrywide, and in 1989 limited inspection and investigative resources were committed principally to urban and more accessible rural areas where labor, health, and safety complaints had been registered.

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Bolivia is a multiparty democracy with an elected president and bicameral legislature. With no presidential candidate receiving an absolute majority of the popular vote in the elections of May 7, 1989, the Bolivian Congress selected Jaime Paz Zamora to be President, in accordance with procedures mandated by the Constitution. Paz Zamora succeeded Victor Paz Estenssoro as President on August 6, 1989.

Police security forces and the military are generally controlled by and responsive to the civilian Government.

Bolivia is the second poorest country in the Western Hemisphere, and its economy only began to show consistent growth in 1988-89 after years of severe contraction. Although rich in mineral resources, in recent years Bolivia has experienced high domestic production costs and low international minerals prices. A major restructuring of the minerals industry has contributed to already high unemployment, currently about 20 percent.

The outgoing Paz Estenssoro administration's stringent economic reforms ended the financial mismanagement and hyperinflation of 1982-85 but were strongly opposed by organized labor. Small coca-growing farmers resisted the outgoing administration's antinarcotics campaign.

Human rights are provided for by the Constitution and are widely respected. In response to increasingly violent street demonstrations and a prolonged hunger strike in support of teachers' union demands, the Government imposed a state of siege on November 15 and detained more than 850 labor activists; most were released within hours, nearly all within 10 days. People of European or mixed-race origin continue to dominate the political and economic system to the detriment of ethnic Indians. There are occasional reports of abuse of prisoners and detainees by police, as well as concerns about an overburdened and sometimes corrupt judicial system. Bolivian women do not yet enjoy a status in society equal to that of men but are gradually assuming a greater role in business and the professions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no political or other extrajudicial killings by the Government in 1989. A terrorist group calling itself "Zarate Willca" claimed responsibility for the politically motivated machine-gun murder of two American citizen Mormon missionaries in La Paz in May 1989. A government investigation resulted in the arrest of four persons on charges of terrorist activities and other crimes. No findings were announced in the Government's investigation into the reported death of a peasant at Achacachi last year at the hands of the military.

Late in 1989 Bolivian authorities arrested Luis Arce Gomez, the notorious Interior Minister of the regime of General Garcia Meza in 1980-1981. Widely despised for his role in the tortures, kidnappings, and extrajudicial killing which characterized that regime, Arce Gomez was also active in narcotics trafficking. He faced charges and prosecution in

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both Bolivia and the United States.

b. Disappearance

There were no reports of politically motivated disappearances in Bolivia in 1989. Judicial proceedings are continuing in cases involving disappearances during the early 1980's (before the restoration of democracy), and the courts collected further testimony as evidence during 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the Government neither condones nor practices such activity. However, there have been occasional charges of cruelty toward or degrading treatment of detainees by individual police officers. Police, prison, and security personnel are rarely tried and punished for such acts. Corruption, malnutrition, unsanitary conditions, and drug-related problems are endemic in Bolivia's overcrowded prison system.

Clear evidence surfaced in 1989 of serious human rights abuses over a period of years at the Espejos Rehabilitation Farm in Santa Cruz department. According to testimony and forensic evidence made public in late 1989, a number of prisoners were severely mistreated and some, perhaps 40 or more, died and were secretly buried in a clandestine cemetery. The officer in charge of Los Espejos has been remanded for criminal prosecution, and other officials face sanctions of various kinds.

The Government which took office on August 6 is publicly committed to ameliorating conditions in the country's prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a court order for an arrest, and detainees must be charged or released within 24 hours. The Constitution also provides for a judicial determination of the legality of a detention, and prisoners are usually released if a judge rules that they have been detained illegally. After the initial detention, prisoners may consult a lawyer of their choice. Provisions for bail exist in Bolivia except in certain narcotics cases, and bail is generally granted.

Under the provisions of the state of siege declared by the President on November 15, constitutional protections were suspended and over 850 labor union activists were detained in overnight police roundups. About 150 were transported to small communities for internal exile, but all were released within 10 days.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The constitutional right of fair public trial is adhered to in most respects, but long delays in the judicial system are common. Investigations, trials, and appeals procedures are so lengthy that some prisoners eventually serve more time than the maximum sentence for the crime with which they are being charged. Defendants have the right to an attorney, to confront witnesses, to present evidence, and to appeal a judicial decision. These rights generally are upheld in

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practice. Although the law provides for a court-appointed defense attorney at public expense, if necessary, one may not always be provided because of a shortage of funds and qualified personnel. The Constitution authorizes the Supreme Court, Bolivia's highest civilian judicial body, to review legislative measures to determine if they are in accordance with a citizen's "specific rights or the Constitution."

The military regime of 1976 revised the military penal code and established the military court system. The law defined and established military jurisdiction over actions against the security of the State and against military personnel and property.

Corruption of the judicial system remains a serious problem. Narcotics traffickers often bribe judicial and other officials in exchange for releasing suspected traffickers and their aircraft, returning captured drugs, and purging incriminating files. The Government has taken some steps to discipline Bolivia's judicial system. Under provisions of the antinarcotics legislation signed into law in July 1988, the Government has begun creating three-judge special narcotics control courts. They are to function as first-instance tribunals in narcotics-related cases.

Terrorist threats against judges and other officials involved in the cases of four detainees allegedly linked to "Zarate Willca" (see Section 1.a.) delayed the timely consideration of the charges against the four defendants.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home and the privacy of citizens' lives are protected by the Constitution and are normally respected in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

By law, citizens enjoy freedom of speech and exercise it widely without government interference. Both state-owned and private radio and television stations operate in Bolivia. All newspapers are privately owned. Since the restoration of democracy in 1982, Bolivians have enjoyed a generally unrestricted press representing the full spectrum of political views.

The privately owned La Paz television channel 4 and Radio Metropolitana, which were closed by the Government in June 1988 after they broadcast an interview with then-fugitive narcotics trafficker Roberto Suarez, were allowed to reopen in 1989. The owner of the two closed media outlets organized a political party in September 1988 and campaigned freely for president, even while his stations remained off the air. His party won a plurality in the balloting in La Paz Department.

The Government has consistently respected academic freedom. Public universities enjoy autonomous status by law, and that status is respected.

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b. Freedom of Peaceful Assembly and Association

The rights of peaceful assembly and association are provided for by law and generally respected in practice.

On November 14, however, the Government imposed a state of siege in response to civil disturbances growing out of a strike by the nation's teachers, and police arrested over 850 people (see Section 1.d.). Apart from the arrests, curfew restrictions and other curbs on assembly were relatively minor.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholicism predominates in Bolivia, and the Constitution recognizes it as the country's official religion; Catholic bishops receive a nominal stipend from the State. Other religious groups, however, operate openly. The Mormons, Baha'is, Seventh-Day Adventists, Methodists, and others freely proselytize and operate churches, training centers, and social welfare projects throughout the country. The small Jewish community has not reported any discrimination. Citizens are free to practice the religion of their choice and to maintain links with coreligionists abroad.

The Government has issued rules designating the Roman Catholic Church to coordinate all public ceremonies in which governmental authorities and institutions participate. Based on a decree issued in July 1985, the Government of President Paz Estenssoro (1985-1989) declared all existing religious registrations void, and required religious groups to reregister. In 1989 the Ministry of Foreign Affairs and Worship reiterated that numerous religious groups were operating in Bolivia illegally (that is, without legal registration) and threatened to begin legal proceedings against them. The Government of President Paz Zamora has indicated that it may move soon to write the administrative regulations for registration into law, a step which would require further congressional action. Some evangelical Protestant groups complain that they are subject to more stringent registration procedures than the Catholic Church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within Bolivia or abroad. The Government does not impede emigration and guarantees departing citizens the right to return. Citizenship is not revoked for political reasons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Bolivia is a multiparty democracy with an elected president and a functioning, independent, bicameral legislature. Opposition groups function freely both in and out of the Congress. On May 7, Bolivia held free and fair elections which resulted in a peaceful, constitutional change of administration on August 6.

Suffrage has been universal since the 1952 revolution. Nevertheless, people of European or mixed-race origin are predominant in the political system.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to the opinions of both international and domestic organizations and is willing to discuss human rights concerns with them. The Congress has committees responsible for monitoring observance of human rights. The Catholic Church, the Permanent Assembly on Human Rights in Bolivia (APDHB), labor organizations, and the press have been aggressive monitors of human rights. These organizations comment frequently on issues and developments related to human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although protected in theory and sometimes in practice by social legislation, Bolivian women do not enjoy a social status equal to that of men. Cultural traditions, social conditions, and limited political influence remain major obstacles to advancement for women. In rural families, women contribute significantly to economic activities and often control the family finances, but nonetheless they are considered socially and politically subordinate. In urban settings, women are slowly achieving a greater role in business and professional life, as their participation in cooperatives, community affairs, and education increases.

There are no reliable and complete statistics indicating the extent of violence against women in Bolivia. A study prepared by a women's rights group in November 1989 cataloged 98 articles in 5 major newspapers between March and October 1989 concerning violence involving women (including such categories as suicide, attempted suicide, and death in childbirth). Violence against women is a criminal offense in Bolivia, and legal sanctions are regularly applied when cases come to the attention of the authorities. However, many women are reluctant to bring charges in cases of domestic violence, and the incidence of such abuse as wife beating is very likely underreported. Legal counseling is available for women on a limited basis through private organizations.

Although prohibited by the Constitution, discrimination against people of indigenous background continues. The Aymara- and Quechua-speaking Indian majority of the population remains at the lower end of the country's socioeconomic scale and is disadvantaged in terms of health, life expectancy, education, income, and employment. All political leaders acknowledge it is a problem. The Government's programs to ease Bolivia's economic crisis, including activities sponsored by the Social Emergency Fund, are of direct benefit to some of the disadvantaged, within the constraints of severely limited resources.

Section 6 Worker Rights

a. The Right of Association

Bolivian workers have the right to establish and join organizations of their own choosing, and they are free to elect their own leaders. They possess and exercise the right to strike. Labor law prohibits any labor contract which denies workers' constitutional rights and freedoms. The Bolivian Workers Central (COB), an umbrella labor organization

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which represents the majority of unionized workers, is independent of the Government. In past years it has frequently paralyzed the economy with crippling strikes. In 1989, despite declines in membership and political influence, the COB mobilized demonstrations on various social and economic issues throughout the country.

Some COB affiliates, such as the teachers' union, went out on strike for extended periods during 1989. Antigovernment labor demonstrations, most of which were associated with these strikes, were generally more peaceful than in the past, but some occasionally resulted in violence between demonstrators and police or military personnel. On November 15, the Government declared a state of siege and detained over 850 labor activists including officials of the teachers' union as well as senior officers of the Communist-led COB. About 159 of those detained were sent to internal exile in small towns but all were released within 10 days.

The Government places no restrictions on a union's right to join international labor organizations. The COB, which had been independent since its founding in 1952, became an affiliate of the Communist-controlled World Federation of Trade Unions in 1988. As in previous years, the COB in 1989 was represented at the International Labor Organization (ILO) convention in Geneva.

In its 1989 report, the ILO Committee of Experts (COE) cited several provisions of Bolivian labor law which do not conform with Convention 87 on Freedom of Association, including: denial of the right of public workers to organize unions; the requirement for prior authorization before forming a union; the limit of one union in an enterprise; the possibility of dissolving a union by administrative action; and, the power of the executive to prohibit strikes by imposing compulsory arbitration. The Committee encouraged the Government to adopt legislation developed in cooperation with the ILO which would rectify these shortcomings.

b. The Right to Organize and Bargain Collectively

Bolivian workers have the right to organize and bargain collectively. The law does not extend this right to government workers, but the distinction is largely ignored in practice, as virtually all government workers are unionized. Negotiations between government representatives and freely elected labor leaders are common.

The Labor Ministry has an established procedure for resolving union complaints of discrimination or unfair practices by employers and does not hesitate to involve itself in mediation of labor disputes. In the wake of a Supreme Court ruling, a legal dispute over the procedure by which unions select their leaders is pending and may have to be settled by legislation. There are no export processing zones or other areas in which organizing or collective bargaining are impeded.

c. Prohibition of Forced or Compulsory Labor

Bolivian law prohibits forced or compulsory labor, and none has been reported.

d. Minimum Age for Employment of Children

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Bolivian law prohibits the employment of minors under 18 years of age in dangerous, unhealthy, or immoral work. Revisions in Bolivia's 50-year-old Labor Code, which Bolivian officials discussed during the year with experts from the ILO, may clarify ambiguities in the law concerning the employment of children under 14 years of age. In practice, the legal provisions concerning employment of children are not rigorously enforced.

e. Acceptable Conditions of Work

Bolivia's labor laws contain conditions for child protection, paid vacations, and protection of workers' health and safety. In practice these laws are not rigorously observed, and the Government has not provided funds for adequate enforcement. The mines, often old and operated with antiquated equipment, are particularly dangerous and unhealthy. In urban areas, about half the labor force observe an 8-hour day and a workweek of 5 or 5 1/2 days.

Bolivia has a minimum wage law as well as an elaborate system of bonuses and compensations for the private sector. In 1989 the Government fixed the minimum wage at the equivalent of approximately \$23 per month. A minimum wage earner cannot easily support a family at an acceptable standard of living. Moreover, labor leaders and the APDHB, while conceding the Government's achievements in bringing financial stability out of the chaos of 1985, continue to express concern that high rates of unemployment are contributing to difficult living conditions, despite the modest economic gains of 1987-89.

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Brazil held its first direct presidential election since 1960 on November 15, 1989, after returning to civilian rule in 1985. A runoff election took place on December 17 and Fernando Collor de Mello won the presidency. Congressional elections will take place in October 1990. The present Congress, elected directly in 1986 to serve also as a Constituent Assembly, finishes its term on February 1, 1991.

Internal security is provided by federal, state, and local police. The armed forces have traditionally considered external threats as their principal responsibility, but they also have a constitutional responsibility to guarantee law and order. They have been deployed internally in cases of threats to public order and to protect critical industrial installations during strikes and emergency situations. Brazil was under military rule from 1964-1984.

Brazil experienced negative growth of some 2 percent per year per capita during 1988 and 1989. The country is marked by a wide disparity in income distribution among different income segments and geographic regions. It has the eighth-largest economy outside the Communist world and an external debt of about \$115 billion. The Government ended a unilateral moratorium on most of its debt service to foreign commercial banks in early 1988, but did not make timely payments to commercial bank creditors in September 1989.

The new Constitution of 1988 contains a series of provisions designed to increase the protection of human rights in Brazil. One is the "writ of injunction," which can be filed in court to request enforcement of a constitutional provision which has not yet been implemented by legislation. Others broaden the protections of individual and collective rights, especially in the labor area.

The principal human rights concerns in Brazil are the treatment of Indians, of peasants involved in land disputes, and of common criminals. While the number of unauthorized homesteadings by the landless increased in 1989, reported killings of peasants and union organizers involved in land disputes continued to decline. The press frequently reports that common criminals in the custody of police are beaten and some criminal suspects not in custody are killed by unknown assailants. While the statistics of the government and Indian organizations show a decline in the number of violent deaths of Indians, the number of deaths due to disease reportedly increased. Demarcated Indian lands are threatened by settlers, miners, and lumber companies. The Constitution establishes additional rights and legal protections for Brazil's Indians, giving them full legal standing in the courts.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Several hundred Brazilians died in 1989 at the hands of vigilante groups, in urban gang wars, and in land conflicts. Brazilian human rights organizations charge that policemen and hired thugs often kill persons suspected of common crimes.

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The rate of violent crime in Brazil's major urban centers has continued to rise, and Rio de Janeiro now has one of the highest murder rates in the world. Kidnaping of prominent industrialists and innocent bystanders has also risen. The growing crime rate has led to a high degree of public acquiescence in police brutality against criminal suspects. Resources devoted by local and state governments remain insufficient to combat the problem.

Conflicts between rural landholders and the landless continued in 1989. Many organizations involved in the landless movement attribute the large number of illegal peasant takeovers of land this year to a reported slowdown in land distribution efforts by the Brazilian Government during 1989. Most of the people killed in land conflicts were rural laborers or squatters in the northeast, the south, and the interior. Although there were fewer killings in land conflicts in 1989, they attracted considerable publicity because the victims included rural labor leaders, lawyers, clergy and journalists helping to organize agricultural worker unions. According to the Pastoral Land Commission (CPT) of the National Conference of Brazilian Bishops, there was a 63 percent decrease in the number of killings compared to 1988. However, officials of the National Confederation of Agricultural Workers and the CPT expressed concern that growing assertiveness by rural workers will lead to further violence. They noted that confrontations have become more frequent in Pernambuco, Maranhao, Rio Grande do Sul and Santa Catarina, where rural unions are best organized and most active.

Several prominent labor leaders were killed in 1989. Jose Mariano Dias, the president of the Rural Workers Union of Ribeirao, Pernambuco, was murdered in June after investigating a sugar mill for possible labor code violations. Verino Sossai, leader in the Sole Labor Central (CUT), was murdered in July after his involvement in a land "invasion." Journalist Rubens de Vabo, a leader in the landless movement, was killed in western Rio de Janeiro state in September. In Itaituba, Para state, city councilman Raimundo Silva de Sousa was murdered on July 26, as was Socialist Party leader Jose Marciao Ferreira on November 23. The CPT estimates that in the first half of 1989 an estimated 27 people died in land-related conflicts. As in recent years, less than 10 percent of the victims were landholders and, according to CPT, in 1989 there seems to have been an increase in the number of hired gunmen (working for landowners) who themselves were killed.

Shootings, beatings, and death threats against advocates for the landless are also common. A CPT lawyer, Antonio Eder John de Souza, for example, was shot and injured in Manaus in March. Clergy involved in the landless movement and reporters who follow the stories routinely receive death threats. Federal and state authorities have expressed serious concern over the violence, but the national Government asserts that it does not have the legal authority to intervene unless asked to do so by a state government. State governments tend to neglect the issue until forced to respond to a land "invasion." The number of convictions for these murders and other crimes remains minimal, although the persons accused of murdering Francisco "Chico" Mendes Filho in 1988 for his efforts to preserve the Amazon rain forest were indicted in 1989.

Brazilian human rights organizations charge that federal, state, and local authorities have failed to take legal action

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against those responsible for such killings. These groups charge that police often fail to conduct complete investigations and frequently cooperate with either the hired gunmen themselves or their employers. Officials at the CPT estimate that, of more than 1,200 murders in recent years, fewer than 40 have resulted in convictions.

While many urban murders result from narcotics gang wars, there are reports also of widespread killings of alleged or suspected criminals by unidentified vigilante groups. Often the corpses showed signs of torture or brutality. Vigilante groups tend to operate in working-class neighborhoods and in the shantytowns ("favelas"). The killings are viewed by some as the actions of hired thugs or policemen employed by shopkeepers who have either been robbed or are taking preventive action. These vigilante actions were cited as a major problem by Amnesty International and by most human rights groups in Brazil. Investigations into these incidents are hampered because witnesses hesitate to cooperate with authorities for fear of retribution or because they sympathize with the actions of vigilantes.

On December 28, 1988, journalist Luis Otavio Monteiro was murdered in Manaus by a vigilante group apparently linked to or made up of local police, reportedly because of his investigation of the police role in local robberies. In March, Luis Tenderini, president of the Commission for Justice and Peace of the Archdiocese of Olinda and Recife, was kidnapped and tortured.

According to human rights groups, the police use scarce resources for what they consider important cases, i.e., cases involving middle or upper class victims. It is also widely assumed by human rights groups in Brazil--given the slow nature of Brazilian justice, the frequency of escape of criminals from inadequate prisons, and the absence of a death penalty in Brazil--that the police commonly take justice into their own hands, including revenge for the killing of police. In the first 9 months of 1989, 32 Rio de Janeiro state uniformed policemen were killed in the line of duty. Police in major cities are frequently accused of the deaths of innocent persons in the course of conducting their operations, especially when raiding the shantytowns in search of narcotics traffickers or assailants.

In the cities of Rio de Janeiro and Sao Paulo there are indications that the situation with regard to vigilante group activities improved somewhat. Through October 1989 there were 63 investigations initiated by the Commission of Inquiry on Death Squads in Rio de Janeiro. Of these, 18 were completed and three resulted in guilty findings. In Sao Paulo, police sources reported that 63 police and 450 civilians died violently this year, a slight increase over the figure for 1988. These sources attributed the increase in deaths to the addition of 12,000 police, which increased the possibility of a confrontation between police and suspects. There were 208 police disciplined for corruption and unjustified violence, including unjustified killings. Of the 208, 170 were expelled from the force and some face prosecution. In Sao Paulo, some human rights groups praised the current Sao Paulo administration for vigorously investigating and pressing charges against police and vigilante groups suspected of killings. Human rights groups reported that government reformers confront many obstacles in their efforts to contain these killings, including lack of support by the general

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public, which is more concerned with high crime rates, and opposition among professional levels of the uniformed police. (Because the uniformed state police investigate alleged abuses by its own officers, many instances of unjustified use of lethal force by police go unreported and unpunished, according to human rights sources.)

b. Disappearance

There were no reports of politically motivated abductions in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the Constitution, which strengthens the legal penalties for torture and acquiescence in torture. There continue to be many credible reports, however, that police beatings and torture of poor prisoners and landless peasants are widespread. These acts are intended to extract information, confessions, or money from criminal suspects, and sometimes to administer punishment. Human rights groups in Rio de Janeiro and southern Brazil note a continued reduction in reports of police brutality. They attribute the apparent trend to the promulgation of the new Constitution.

In cases where police officers have been brought to trial for abuse, there have been few convictions. Human rights organizations find little public support for defending the rights of alleged criminal offenders. Public criticism of the police is directed not at the abuse of persons in detention nor at the dismal prison conditions, but rather at the lack of effective crime control.

Most prison facilities are poorly maintained. In April, Americas Watch (AW) published a report entitled "Prison Conditions in Brazil." The report cited severe overcrowding, with only half the necessary prison spaces needed for Brazil's inmate population, and noted that many prisoners were being kept longer than their sentences due to poor record keeping. AW found that many long-term prisoners were held in short-term detention facilities because of lack of space. The report cited testimony that the "parrot's perch"--a bar on which a prisoner is suspended from the back of his knees, with his hands tied in front of his legs--continues to exist, as does beating of prisoners by guards. Poor prison conditions in Brazil were given international publicity in February when 51 naked men were forced into a 5- by 10-foot room, causing 18 of them to die of suffocation. The three police officials believed responsible for the deaths were transferred to administrative positions pending trial. The detention facility where the incident occurred was closed and the surviving prisoners were moved to other jails or prisons. Partly as a result of poor security conditions and overcrowding in Brazilian jails, there are periodic outbreaks of violence and riots. In November 1989, in the Piraguara state penitentiary in Parana, prisoners took 40 hostages. This led to the killing of 10 prisoners and 1 hostage. A few days later, five inmates died in Rio de Janeiro's Evaristodo Morais prison uprising.

d. Arbitrary Arrest, Detention, or Exile

The Constitution limits arrests to those caught committing a crime or those arrested by order of a judicial authority. In

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addition, soldiers charged with violating military rules and regulations, or with military crimes as defined by law, may be arrested. The constitutional provision for judicial determination of the legality of detention is respected.

Legally, a person may not be arbitrarily detained, but the law does permit provisional detention in exceptional circumstances when ordered by a judge. Detention also may be ordered by a court during a police investigation or the prosecution phase and can be extended until the case comes to trial or until a judge rules that reasons for the detention no longer exist. Provisional detention in Brazil is used infrequently. In 1989, however, there were several cases of illegal and incommunicado detention without a judicial order, as well as allegations of arbitrary detention of squatters during evictions. Human rights groups charge that police detain people for questioning without probable cause, in some cases based on race or other questionable motives.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is an independent branch of government. The federal judicial system, with the Federal Supreme Court at its apex, includes courts of first instance and appeals courts. The states organize their own judicial systems, so long as they do not violate basic principles in the federal Constitution. Brazil also has a system of specialized courts dealing with military, labor, electoral, and juvenile matters, among others. A system of small claims courts has been created by the new Constitution. Under the Constitution, military courts no longer have jurisdiction to hear cases against civilians.

The right to a fair public trial is provided for by law and is generally respected in practice. Defendants are entitled to counsel and must be made fully aware of the charges against them. In cases where a defendant cannot afford an attorney, one must be provided free of charge; private attorneys are appointed by courts to represent poor defendants where public defenders are unavailable. The state of Rio de Janeiro recently established a special group of public defenders on continuous duty to serve newly arrested defendants. Defendants and their attorneys have the right to be informed of the evidence on which charges are based. Only cases of willful crimes against life are tried by jury; all others are tried by a judge. The judicial system has a serious backlog, and many cases may not be tried for months.

Lynchings of suspected criminals by irate citizens attracted press coverage in 1989, and several human rights sources believe the number of lynchings was higher this year than in 1988--14 occurred in a 2-month period in the spring. Lynchings arise out of public rage against rising crime and a feeling that the judicial system cannot be counted on to mete out justice.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for freedom from arbitrary intrusion into the home. There have been no reports of illegal entry for political reasons. However, entry into homes without a warrant occurs in searches for criminal suspects.

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The new Constitution provides the right for a person to file a "habeas data" writ in court, at no financial cost, to obtain information about himself in the possession of Brazilian authorities. This writ may also be used to request the correction of inaccurate data about the citizen which may be in government files.

Wiretaps are unconstitutional except for purposes of criminal investigation and prosecution when authorized by a judicial authority in circumstances defined by law. The inviolability of private correspondence is respected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The right to free speech and to a free press is provided for in the Constitution and is broadly exercised. The press and broadcast media routinely discuss controversial social and political issues. Opposition viewpoints are aired freely. Most radio and television stations are privately owned, but the Government controls licensing authority. Newspapers are also privately owned and are vigorous in reporting and commenting on government policies and performance. Some media sources privately charge that self-censorship is widely exercised by many media organizations to avoid offending major governmental advertisers and creditors, including federal, state, and local governments and government-influenced banks.

Foreign publications are widely distributed in Brazil. The new Constitution abolished all forms of censorship. Prior review of films, plays, and radio and television programming is practiced only to determine the acceptable viewing age.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble peacefully. Permits are not required for outdoor political or labor meetings, but such assemblies may not disturb another meeting previously scheduled for the same place, and prior written notification to government authorities is required.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no favored or state religion. Most Brazilians belong to the Roman Catholic Church, which maintains an active social and pastoral program. Spiritism has many adherents, and Protestantism has been expanding in recent years. All faiths are free to establish places of worship, train clergy, and proselytize, although the Government reserves the right to decide who may enter Indian lands. The National Council of Brazilian Bishops and other missionary groups continue to complain that visas for missionaries and other foreign religious personnel are systematically delayed by immigration authorities. In 1989 there were no expulsions of missionaries or other religious denominations by the Federal Government from the areas in or near Indian communities. In 1989 Catarimani, a Catholic missionary group, was allowed to return to the Yanomami Reservation from which it was expelled in 1988.

BRAZIL**d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation**

There are no restrictions on movement within Brazil, nor are there any restrictions on emigration or return. Brazil admits few immigrants, does not formally accept refugees for resettlement, and is selective in granting asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government through free elections; the November 15 election confirmed that this right exists in practice. On that day, Brazil completed its democratic transition and held its first direct presidential election since 1960. After a runoff election on December 17, Fernando Collor de Mello was declared the winner by the Supreme Election Tribunal in an election that was singularly free and fair. Brazil had returned to democratic rule in March 1985, with the inauguration of a civilian president after 21 years of military governments. During the last few years, executive and legislative offices throughout the country at local, state, and national levels have all been filled through fair and democratic direct elections among candidates representing as many as 38 separate political parties.

Voting is secret and mandatory for all literate Brazilian citizens aged 18 to 70 except military conscripts who may not vote. It is voluntary for minors aged 16 to 17, for the illiterate, and for those over age 70. Women have full political rights under the Constitution, and they are increasingly active in politics and government. Indians were also given the franchise under the 1988 Constitution.

When one of the political parties which was in opposition to the military regime came to power in 1985 through a vote of the electoral college, it was viewed as a major test of the ability of the citizenry to change its government. Most Brazilians believe that the true test of the transition to full democracy were the free popular presidential elections held in 1989. The armed forces retain significant influence in the Government, but the military establishment is respecting its limited role under the new Constitution.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many local human rights groups cite the importance of the 1988 Constitution and the discussion preceding it in making Brazilians more aware of their civic, political, and social rights, and more sensitive to cases of human rights violations. Brazil is a member of the United Nations Human Rights Commission. A number of Brazilian nongovernmental organizations (NGO's) actively investigate allegations of human rights violations and often initiate legal proceedings. Several international NGO's either maintain offices in Brazil or visit periodically. None of these organizations has complained of government interference in its activities. Brazilian human rights groups previously concerned with political repression have turned their attention to problems involving Indians, police mistreatment of suspected criminals, poor prison conditions, urban vigilante groups, and rural violence.

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Since 1985 a federal prosecutor in each state has been designated to monitor and assist in identifying human rights violations, and many states have established their own Councils for the Defense of Human Rights.

Both Brazilian and foreign human rights organizations assert that elements of the Federal Government have been fairly responsive to human rights investigations, as have some state governments. State and federal police officials have accused the CPT of collaborating in illegal land invasions.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of sex, race, religion, and nationality is unconstitutional, and racial discrimination --illegal since 1951--is a crime excluded from bail. Brazil is a multiracial society with a high degree of racial tolerance. Public opinion polls, however, show most Brazilians believe that poor and uneducated darker-skinned Brazilians encounter substantial de facto discrimination. The vast majority of the black population is disproportionately concentrated in the lowest economic strata, a reflection of history and cultural attitudes. For example, while 40 to 60 percent of Brazil's population is of African or other non-European ancestry, few senior officials in the Government or armed forces are black. In early 1988, the media reported that the Foreign Ministry had hired its first black career foreign service officer. Black consciousness organizations, generally lacking in political influence, challenge the view that Brazil is a "racial democracy" and denounce discrimination in housing, education, the workplace, and society at large. These organizations complain that blacks are more inclined to be stopped by police and deprived of their civil rights, and that they bear the brunt of police brutality.

One year after the 1988 centennial of Brazil's abolition of slavery, black consciousness organizations have not been able to sustain broad public interest in discrimination. However, black rights activists believe the attention given to racial discrimination in the Constitution has served to improve the awareness of blacks' civil and political rights. Recently, there have been signs that the situation is improving. In Porto Alegre, a large department store was closed temporarily in November under a municipal anti-discrimination ordinance when an elderly black man suspected of shoplifting was detained and verbally abused. In the city of Sao Paulo, a man was arrested and jailed for verbally harassing a young black student and spraying her with a hose.

The 1988 Constitution specifically addresses the question of women's rights, prohibiting discrimination in employment or salaries as well as guaranteeing 120 days of paid maternity leave. As a reaction against the new maternity leave law, some employers reportedly seek sterilization certificates from prospective employees or try to fire women in their childbearing years.

There is a high incidence of physical abuse of women in Brazil, principally but not exclusively among the lower classes. Women are killed and assaulted with virtual impunity in crimes of passion, where traditionally a man's "honor" takes precedence. However, men who commit crimes against women are beginning to be brought to trial, albeit in small

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numbers. In 1989 a man in Sao Paulo was convicted of sexual harassment of a woman. Officials note that women are increasingly sensitized to the problem and are more willing to make official complaints. Concern over abuse of women led to the opening of special women's police precincts in more than 12 major cities. These centers provide shelter, assist in bringing actions against aggressors, and provide general information on women's health. Women's organizations have been active in promoting women's rights and lobbying the Government. Women's groups have also been active in politics, holding seminars and forums to inform women voters; one nationally televised presidential candidates' debate dealt exclusively with women's issues.

The country's estimated 220,000 Indians suffer from higher levels of disease and infant mortality than other Brazilians and from the impact of greater contact with non-Indians as Brazil's internal frontier expands. Despite the Government's responsibility under the Constitution and the 1973 Indian Statute to protect the indigenous population, Indians continue to receive inadequate assistance. According to a June 1989 report prepared by a citizens' action committee made up of members of Congress, attorneys, and human rights activists, several tribes lost half their population in the last decade due to disease and other factors associated with the colonization of nearby lands and the influx of miners and lumber companies.

In 1989 the situation of some of Brazil's Indian tribes deteriorated, partly as a result of the Federal Government's decisions and actions. Following an August 1987 shooting incident in which four Yanomami Indians were killed by prospectors, the Federal Government declared that all outsiders would be removed from the Yanomami area, which contains 9,000 Indians. The outsiders who were forcibly expelled included anthropologists, missionaries, doctors, and nurses, while up to an estimated 50,000 prospectors remained in the area throughout 1989. With one exception, the medical teams have not been allowed to return. Indirect evidence suggests that, as a direct consequence of the prospector influx, the number of Yanomami who died from mercury poisoning or in epidemics of infectious diseases increased in 1989. According to the Committee for the Creation of Yanomami Park, it is likely that several hundred Yanomami died in 1989 due to these factors.

In 1989 violence associated with land disputes between isolated tribes and non-Indian settlers increased. According to the citizen's action committee's June 1989 report cited above, three Yanomami were injured in January by miners who invaded their lands; in February a policeman entered the Maxcuxi area in the State of Roraima, burned down houses and arrested five people illegally; and in April four Indians were injured in a land dispute in the national Xingu Park. The same report states that in May, police entered the same Maxcuxi village in Roraima and burned down eight homes, the church, and the school, and detained 25 men, women, and children without charging them. According to the Indigenous Missionary Council of the National Conference of Brazilian Bishops (CIMI), more Indians have died as a result of attacks or of disease in the past 2 years than in the previous decade.

Indian leaders complain that the Government has systematically ignored their needs and promoted settlement or development projects at their expense. They claim that many state and

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local governments, for example, have refused to pay the salaries of Indian teachers in schools where grade school instruction is in their native language. Indian leaders charge that the Federal Government has used pressure and legal subterfuges to avoid the demarcation of traditional Indian lands required under the 1973 Indian Statute and the Constitution. They criticize the Federal Government's decision to establish national forests on the grounds that they are open to colonization and economic exploitation by prospectors and other non-Indians. Indian leaders claim that the federal and state governments are more concerned about the exploitation of mineral and other natural resources than attending to the needs and rights of Indians.

The Constitution includes a chapter on the rights of Indians. It guarantees them the exclusive use of the riches existing in the soil, rivers, and lakes located on their lands, including a share of the proceeds from any exploitation of water, mineral, or energy resources found on these lands as demarcated by law. Any act which permits the occupation or possession of Indian lands by non-Indians, or which permits exploration or exploitation of the natural resources existing on them (except when there is relevant public interest, as defined by law), will be considered null and void. The Federal Government has the responsibility to demarcate and protect Indian lands. Such lands cannot be sold, and Indian rights over them will not expire under any statute of limitations. Indian groups cannot be removed from their lands except with Congressional approval, and in cases of force majeure their immediate return is statutorily guaranteed as soon as feasible. Brazilian Indians now have the authority to bring suits in court to defend their rights and interests. In all such suits they are to be assisted by a public prosecutor. How effectively these provisions will be implemented was unclear at year's end.

Section 6 Worker Rights

a. The Right of Association

Brazil's labor code has long provided for union representation of all Brazilian workers. The law imposed a hierarchical, unitary system known as "Unicidade," which prohibited multiple unions of the same professional category in a given geographic area. It also stipulated that no union's geographic base could be smaller than a "municipality." Workers in a union whose numbers increased (as when an industry grew) could petition the state to split a preexisting union into two or more unions. Brazil's Constitution retains both "Unicidade" and the requirement that no union's geographic base may be smaller than a municipality, but it frees workers to organize new unions out of old ones without prior authorization from government authorities. The 1988 Constitution also eliminates powers previously granted to the Minister of Labor to "intervene" (i.e., depose) a union's independently elected representatives and substitute others of the Minister's choosing. The Government did not exercise this authority from 1985 to 1988.

At its June 1989 meeting, the International Labor Organization's (ILO's) Committee on Freedom of Association (CFA), considering a complaint by the International Confederation of Free Trade Unions (ICFTU), concluded that provisions of Brazil's Constitution providing that no more than one union can be formed in any occupational category in

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any one territory, as well as compulsory union contributions, violated Convention 87 on Freedom of Association. The Committee asked the Brazilian Government to bring its legislation into conformity with the Convention.

Organized labor actively participated in the drafting and approval of the Constitution in 1987-88. Reacting against labor code provisions that made most work stoppages "illegal," the unions lobbied successfully for a constitutional guarantee of the right to strike. The same meeting of the CFA cited above considered two complaints filed by the ICFTU and other labor entities alleging the discharge of strikers, and government use of the military to suppress strikes resulting in death and injury to the strikers. The Committee deplored the violence and concluded that the Government's actions did not conform with relevant ILO Conventions.

Complementary legislation passed in June 1989 stipulated that essential services remain in operation during a strike, and that workers notify employers at least 48 hours before beginning a walkout. The Constitution prohibits interference and intervention in labor unions by the Government, but provides that abuse of the right to strike (such as not maintaining essential services or giving advance notice, denying workers not on strike access to their jobs, damaging property, etc.) will be punished under the law. It also incorporates a provision from the labor code which prohibits the dismissal of employees who are candidates for union leadership positions from the date of the registration of candidacy until 1 year after the termination of their mandates, if elected, except in the case of serious misdeeds, as defined by law.

The two major labor centrals are the General Workers Central (CGT) and the Sole Workers Central (CUT). Until mid-1989, the two maintained similar positions regarding international affiliation. Provisions in the CGT and CUT founding charters mandated cooperation with all international labor organizations and affiliation with none. Following an April congress, however, new CGT leaders applied for affiliation with the ICFTU. In May 1989, the Government designated labor delegates to the ILO Conference from both the newly formed centrals and the traditional confederations.

b. The Right to Organize and Bargain Collectively

The right to organize is guaranteed by the Constitution, and trade unions are legally mandated to represent workers. Although Brazilian laws do not make any provision for a central labor organization, three such groups have emerged--the CGT, CUT, and the Independent Workers Central (USI). Communist Party of Brazil officials recently launched a "fourth" central, the so called Classist Union Movement (Corrente Sindical Classista). To date this organization has attracted no unions of significance. The Centrals do not have legal standing to represent professional categories of workers and have been created in Brazil as nonprofit civil associations.

The Government has encouraged labor and management to resolve differences through collective bargaining, which has become commonplace. Nevertheless, a system of special labor courts continues to exercise normative powers with regard to the settlement of labor disputes, thereby discouraging direct negotiation. Existing law charges these same courts (as well

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as personnel linked to the Federal Labor Ministry) with mediation responsibility in preliminary stages of dispute settlement. On the other hand, arbitration by neutral, professional third parties is unknown.

Labor law applies uniformly throughout Brazil, including the Free Trade Zones and Export Processing Zones.

c. Prohibition of Forced or Compulsory Labor

While the Constitution prohibits forced labor, there have been repeated charges that it is utilized in Brazil, despite federal government assertions that it is taking steps to halt the practice and prosecute perpetrators. In 1989, the CPT again denounced specific labor contractors in certain northeastern and Amazon states for maintaining "slave" work forces. The CPT charged that these contractors deducted transportation and other inflated expenses from the workers' meager salaries and employed armed guards to prevent the "indebted" workers from leaving. According to press reports, such cases of forced labor typically involve the exploitation of vulnerable workers, especially minors or migrants. The CPT charges that such work forces are most common deep in the Amazon, where jungle areas are being cleared to prepare land for agricultural use. The CPT has complained that state and federal authorities have not promptly investigated reports of the practice of compulsory labor.

d. Minimum Age for Employment of Children

The minimum working age under the Constitution is 14, except for apprentices, and legal restrictions have been approved to protect working minors under age 18. By law, permission of parents or guardians is required for minors to work, and provision must be made for them to attend school through the primary grades. All minors are barred from night work and from work that constitutes a physical strain. Minors are also prohibited from employment in unhealthy, dangerous, or morally harmful conditions. However, it is estimated that 34 percent of all children between the ages of 10 and 14 are economically active. Many, perhaps most, of these working minors are thought to be working in violation of the law, but accurate statistics are not available. Enforcement of the law is severely limited because of the lack of resources.

e. Acceptable Conditions of Work

Organized labor demonstrated growing political strength by lobbying for and achieving the adoption of significant provisions in the Constitution. A workweek limit was set at 44 hours, pay benefits were expanded, and new protections were established for agricultural and domestic workers. Several of these advances were conditioned on the passage of complementary enabling legislation that proved difficult to enact. In June Congress overturned presidential vetoes of minimum wage and cost of living adjustment measures. Real worker income continued to lag in 1989. It is estimated that some 40 percent of those economically active, including minors, earned no more than the equivalent of one minimum monthly salary of about \$80, which is probably not adequate to support a family with only one wage earner.

Brazilian workers also suffer because of the gap between the legal assurance and reality of a safe work environment. Labor Ministry figures indicate that Brazil ranks first worldwide in

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the number of workplace accidents. According to figures gathered by the Government's Social Security system, 17 workplace-related fatalities occur daily across the country. As these figures measure only those incidents involving covered workers (some 23 million), they undoubtedly understate the problem. (The total work force exceeds 50 million.) There are no reliable statistics available covering the incidence of job-related illness. Unofficial estimates, however, link as much as 80 percent of Social Security system payments to workplace factors.

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The transition to democracy, begun with the October 5, 1988, plebiscite which denied President Pinochet 8 more years in office, continued with the December 14, 1989, election of a civilian President and Congress. The elections were characterized by international observers as free and fair. The new President and Congress will assume office in March 1990; until then, General Pinochet will remain President, and the military junta will continue to exercise the legislative function. There is a separate judicial branch, but crimes relating to state security continue to be heard in military tribunals. In a plebiscite held July 30, amendments to the 1980 Constitution were approved by 85 percent of those voting.

The uniformed national police, the 28,000-man Carabineros, is under the jurisdiction of the Minister of Defense and has primary responsibility for public order and safety, crime control, and border security. The 5,000-man Investigations Police, also under the jurisdiction of the Minister of Defense, is responsible for controlling and investigating serious crime. The National Information Center (CNI), responsible for internal and external intelligence-gathering, is part of the Ministry of the Interior, but the President exercises significant personal control. The majority of this 2,500-man force is composed of military personnel. The 85,000-man armed forces assert a role as the ultimate guarantor of constitutional order and, in keeping with longstanding tradition and under the terms of the current election law, are responsible for ensuring the security of voting places during elections.

Chile's economy is largely based on free market principles and has a dynamic and growing export sector. Copper is Chile's major source of foreign exchange, followed by fresh fruits and fish meal. 1989 marked the sixth consecutive year of positive real economic growth and the fourth consecutive year of annual growth in excess of 5 percent. As a result, real wages have increased and, while unemployment remains high in urban areas, on the whole has decreased. Chile continues to make substantial progress in overcoming its foreign debt problem.

The human rights environment in Chile improved dramatically during 1989, although there were continuing instances of abuses. Freedom from arbitrary arrest continued to be undermined by vaguely defined and far-reaching state security laws. Torture and kidnappings were considerably reduced in comparison to previous years. Twenty-four persons, among them 9 Carabineros, a retired military officer, and a spokesman for the Movement of the Revolutionary Left (MIR), were killed for political reasons. The absence of any resolution to longstanding cases of serious human rights abuses, among them the 1976 murder in Washington, D.C., of exiled opposition leader Orlando Letelier and his American assistant Ronni Moffitt, continued to concern both Chilean and international human rights organizations.

Restrictions on freedom of speech and press have been greatly reduced in law and have largely disappeared in practice. The Government announced it would no longer accept a Special Rapporteur of the United Nations Human Rights Commission (UNHRC) after the incumbent resigned in April. Delegations from other human rights organizations, such as Amnesty International (AI), Americas Watch, and the International Human Rights Law Group, visited Chile during the year and in

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some instances were given permission to visit prisons and individual prisoners.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Deaths and injuries resulting from political violence continued during 1989. According to the Vicariate of Solidarity, the human rights organization of the Catholic Church, 24 persons had died in acts of political violence as of December 31. The independent Chilean Human Rights Commission (CHRC) indicated that 30 deaths had occurred due to political violence as of October 30. (For a discussion of the bases of the statistics provided by these two groups, see Section 4). Of the 24 deaths listed by the Vicariate as politically motivated, 10 of the victims were members of the military and security forces. The Lautaro Youth Movement (MJL) took responsibility for ambushing and assassinating nine Carabineros, and the Manuel Rodriguez Patriotic Front (FPMR) killed an army officer during an assault on an army air station in August.

A member of the FPMR unit attacking the air station died in the attempt. Another FPMR member died in September when, officials claim, he activated a grenade following a shoot-out with Carabineros; others claim he was shot. A member of the MIR was killed in August in a failed assassination attempt against a CNI official. A shopkeeper, who may have been mistaken for his twin who worked for the CNI, was killed by presumed members of the MIR in January. A young member of the Communist Party was shot while being pursued by Carabineros for painting slogans on a public wall early in 1989; the police maintain he was killed, and a policeman wounded, by gunshots from a passing car, but the victim's family claim the Carabineros were responsible. In June a former air force officer, who had been charged with human rights abuses but whose case was dismissed because it was covered by the 1978 Amnesty Law, was assassinated by the FPMR.

Jecar Neghme, a spokesman for the political faction of the MIR, was assassinated on September 4 as he walked from his party's headquarters. Although the Minister of Government cited (but did not divulge) evidence suggesting Neghme's death was prompted by differences between the political and armed factions of MIR, most observers believe he was the victim of a rightwing group with ties to the security forces, perhaps in reprisal for the killing of security officials. There is, however, no clear evidence implicating any individual or group.

In July a pregnant woman was shot and killed when Carabineros attempted to disperse a group of demonstrators which had symbolically seized public land. According to government reports, Communist or other leftwing terrorist groups in 1989 caused 5 deaths and 69 personal injuries in attacks which included 273 bombings, one of which occurred across the street from the U.S. Embassy and 6 of which occurred at American-Chilean binational centers. There were 12 attacks, including bombings, of Mormon churches. Rightwing terrorist groups continued to issue threats against journalists, human rights activists, and political figures. In November the car of journalist Monica Gonzalez was bombed and the home of the

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director of the magazine Analysis was set on fire. Also in November, a cable television station and the offices of Radio Minería were bombed, allegedly by leftist terrorist groups. A special investigator was appointed to investigate these attacks on the media.

In January two Carabineros were charged with killing three persons on June 30, 1986, and another was charged with covering up the crime, known as the "Calle Mamina case." Allegedly, the police had attempted to cast the deaths as suicides during a confrontation. In March, a military investigating judge recommended a finding of guilty against two Carabinero officials in the torture-death of a young student in 1985, and against another official for covering up the crime, calling for a sentence of 6 years for the first two, and 4 for the latter. However, as of December 31, the military judge had not ruled on the matter. In August, the Military Tribunal confirmed the December 1988 manslaughter verdict against an army officer for the 1986 death by burning of Rodrigo Rojas, a young Chilean who had lived in the United States, and the near-fatal burning of his companion, Carmen Gloria Quintana. A suspended sentence of 300 days in jail was also confirmed. Human rights groups, including the Vicariate, denounced the leniency of the sentence.

b. Disappearance

Human rights organizations report that politically motivated kidnappings by private or paramilitary groups continued in 1989, but the number of incidents were lower and the duration of the detentions shorter than in past years. The Vicariate reported 7 kidnappings in Santiago as of December 31, and 4 in other parts of the country as of August 31; the CHRC reported 18 through October 31. Because of the vehicles used and the boldness of the operations, some official complicity is suspected. There were no known arrests or prosecutions in any of these kidnapping cases. Rightwing extremist groups may have been involved in numerous kidnapping threats against persons associated with political opposition organizations, including journalists, judges, political leaders, and human rights activists. Charges continued to surface that members of the security and military forces, not always acting on orders, were involved in some of these groups.

During 1989 there were no reports of persons disappearing following detention by security forces or by persons suspected of being official security agents. Investigations into the last reported case of disappearance, that of five men in September 1987, are inactive and appear to have been suspended.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There was a significant reduction in the use of torture in 1989. The Vicariate reported 24 instances as of December 31, but the figure only covers cases in Santiago; the CHRC reported 48 as of October 31. Agreements concluded in 1987 by the Investigations Police, the CNI, and the Carabineros with the International Committee of the Red Cross (ICRC), appear to have reduced the incidence of torture and lesser forms of police brutality. The agreements, which have generally been honored, allow the ICRC to visit anyone detained by the Carabineros and Investigations Police for violations of state security laws. The ICRC is notified immediately when persons are detained for politically motivated crimes and is allowed

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to visit the detainees after 24 hours of detention and before the detainees are released or brought before the courts. However, the ICRC is not allowed to visit detainees if the prosecutor in the case orders them held for the 10-day periods of isolation provided for under the Antiterrorist Law. Although there were instances when periods of incommunication were extended beyond 10 days, this practice was considerably reduced in 1989. The CNI continued to abide by the 1987 agreement with the ICRC to turn over persons it arrested to the Carabineros or the Investigations Police. One of the constitutional amendments approved in the July 30 plebiscite gave the status of constitutional law to international agreements such as the U.N. and the O.A.S. Conventions on Torture, signed by Chile in 1987 and ratified in September 1988. However, the Government attached reservations which have the effect of denying any international efforts to ensure compliance.

Government officials deny that torture is used or authorized and assert that charges of alleged mistreatment by members of the security forces are always investigated. In May, 10 members of the Investigations Police were indicted for torturing 2 prisoners held for politically motivated crimes, and in June 2 Carabineros were indicted for torturing a suspect in April 1988.

Judicial investigations of torture are seldom concluded, due in large part to the refusal of some state security organizations to comply with court orders to make security agents available to the courts for questioning. Last year's Country Report on Human Rights Practices noted that Judge Rene Garcia Villegas, who had publicly denounced the repeated failure of CNI officials to cooperate with his investigations into torture incidents and who had opined that torture cases investigated by military judges implied impunity for those charged, was suspended for 15 days with half pay. In October 1989, his offices were ransacked and the warning "Be Careful" was scrawled on the window. He has received repeated threats against his life. Early in January 1990, Judge Garcia was rated "unqualified" by the Supreme Court for the second year in a row, forcing his retirement, unless an appeal of the decision is successful. The Supreme Court ruled that Garcia's public statements criticizing the behavior of his judicial colleagues for failing to pursue vigorously charges of torture by security forces violated public norms.

Human rights leaders agree that Carabinero efforts to avoid the use of unnecessary force continued in 1989. Opposition political figures generally agree that Carabinero conduct during legally held political demonstrations has been generally evenhanded; detentions during rallies were relatively few, given the large numbers of participants involved in what was a very active political year, and most of those held were released within 24 hours.

Activities of some Carabineros, however, detracted from that organization's improved image. During a demonstration in July, for example, Carabineros used excessive force in evicting "squatters" in a poor Santiago neighborhood, and in the confusion shot and killed a pregnant woman.

d. Arbitrary Arrest, Detention, or Exile

Under Article 19 of the Constitution, civilian and military courts may order detention for 5 days, and up to 10 days when

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terrorist acts are alleged to be involved. In some cases involving special military prosecutors, detainees have had their access to lawyers limited even after the prosecutor formally charged them. The ad hoc military prosecutors continued to order arrests of persons suspected of being linked to four cases under their purview: the discovery of arms caches in 1986, the attempted assassination of President Pinochet in 1986, the kidnaping of an army colonel in 1987, and the 1986 assault on a bakery in which a Carabinero official was killed. None of those arrested in these cases has been brought to trial. By January 1990 three of these cases reached the summary stage; in each one the investigating judge sought harsh sentences for those accused. These findings and sentences are preliminary and remain to be confirmed by a military tribunal.

The Vicariate reported 235 individual arrests and 450 group arrests during demonstrations in Santiago through December 31; there were 119 individual and 371 collective arrests in the rest of the country through August 31. The Vicariate reported 833 individual and 2,983 collective arrests in 1988, and 699 individual and 2,596 collective arrests in 1987. The CHRC reported 203 individual arrests and 1,241 collective arrests as of June 30, 1989. Only a small number of those arrested were arraigned before the courts; the vast majority were released without charges, or charged with minor violations and fined.

Many of those detained under Article 19 of the Constitution are never charged and are released after several days. The state security laws often appear to be used to harass opponents of the Government but to a lesser degree than in previous years. Persons are detained for prolonged periods of time while their cases are investigated or released on bail without any formal charge against which they can defend themselves. Four persons associated with the Vicariate are in this position. Moreover, charges are often levied well after the event, heightening the impression of arbitrariness and harassment. For example, five leftist political leaders were charged in May for offenses against the armed forces because of statements made in August 1986 in a private letter to the then Vice Commander of the Army. Because of charges pending against them, several political figures were denied the opportunity to run for Congress.

Once formally charged with, or convicted of, violations of state security laws, the accused are generally imprisoned separately from common criminals and have rights of visitation and communication with their families, friends, legal counsel, and representatives of the ICRC. The ICRC has access to most of those detained under the state security laws after a 5-day period of incommunicado detention.

On August 17, 1988, the Supreme Court sentenced President Manuel Bustos and Vice President Arturo Martinez of the Unified Workers' Central (CUT) to 541 days' internal exile. The action stemmed from a petition by the Ministry of the Interior to overturn an appeals court verdict exonerating the two from charges relating to the deaths of persons in the wake of an October 1987 general strike. Despite pleas from Chilean political leaders, international labor organizations, and others, the Chilean Government held off on granting a pardon until October 23, 1989, when one was issued apparently to forestall an expected visit to Chile on their behalf by Polish Solidarity leader Lech Walesa.

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

First instance jurisdiction for the prosecution of proscribed political activities remains with the regular civilian courts, but broad interpretation of state security laws has greatly expanded military court jurisdiction. As in most civil law systems, trial is not by jury, reliance is on the written record rather than oral testimony, and the judge renders a verdict after directing the investigation. The investigation phase is considered secret, with limited access for the accused or his attorney to evidence or testimony which has been developed by the judge. Secrecy makes it extremely difficult to ascertain if justice is being done. There is a well-developed, multistage appeal process leading ultimately to the Supreme Court. Weapons violations (often the basis of charges against suspected terrorists) and charges of "Offenses Against the Armed Forces," including slandering the Commander-in-Chief of the Army (President Pinochet), are tried before a military court. Appeals may be made to a military court consisting of two civilian judges and three military judges and, in the last resort, to the Supreme Court. In March the President of the Supreme Court criticized the number of cases handled in the military judicial system and questioned the impartiality of decisions in a system characterized by a military hierarchy.

Investigation by the courts of present and past human rights violations made little progress during 1989. Human rights organizations continued to charge that judges failed to investigate vigorously charges of government abuses of human rights.

The Social Aid Foundation of the Christian Churches (FASIC) reported that, as of September 30, there were 439 persons in prison facing 613 judicial proceedings related to state security laws. Thirty-seven of these people have been in prison since before 1983, but 138 were detained in 1986 and 1987. Sixty-three were detained in the first 9 months of 1989. Of the 613 judicial proceedings, 476 are before military courts. Another 26 persons were released on bail during 1989, 2 were released after completing their prison terms, 1 was released unconditionally without a trial and 4 were pardoned. Of a total prison population of 439 involved in violations of state security laws, 85 have been convicted and are serving their sentences, while 354 remain in detention with their cases still under investigation. In at least one case, the investigation phase has lasted 8 years. Of four persons charged in the 1984 murder of 2 Carabineros, one, Dogoberto Lopez, was found innocent on February 8; the investigating judge found the other 3 guilty. The sentences still must be confirmed by a military tribunal.

International attention continued to focus during 1989 on nine prisoners who face possible death sentences because of charges of involvement in assassinations of senior military officers and Carabineros and robberies in which people were killed. Defense lawyers have charged that all were tortured and their confessions obtained under physical and psychological duress. Human rights organizations have assisted 111 prisoners, including the 9 facing a possible death sentence, to obtain visas to other countries. This was done in the belief that possession of such visas might either allow these prisoners to seek remission of their prison terms for exile or protect them

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from the death sentence. While the Government permitted many Chileans serving prison sentences related to politically motivated acts to seek exile in the mid-1970's, this practice has been severely restricted in recent years. One reason given has been that some of those who sought exile later returned to Chile illegally and became involved in terrorist activities. The death penalty can only be imposed by unanimous decision of a military court. No one has been executed by judicial order in Chile for a politically motivated crime under the Pinochet Government.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Searches of the home and interception of private communications are permitted by the Constitution, provided search warrants are issued by either a civilian or military court for specific locations. The 1984 Antiterrorist Law provides for surveillance of those promoting political views contrary to the Constitution or those suspected of terrorist crimes, and for intercepting, opening, or recording private communications and documents in these cases. The requirement for proper court documents to authorize searches and surveillance, however, was not always complied with during the year. Searches were carried out by security forces or by armed groups who failed or refused to show identification or without the necessary court orders. However, the Vicariate noted that during 1989, as in 1988, there were no reported instances of security forces closing off entire neighborhoods in order to conduct searches and that, in general, detentions were more directly connected to specific cases and less sweeping than in the past.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution recognizes freedom of speech and press. Restrictions on those freedoms have been greatly reduced in law and have largely disappeared in practice. Among the constitutional amendments approved in the July 30 plebiscite was the elimination of Article 8, which had provided for sanctions against "persons or groups propagating doctrines undermining the family, espousing violence or a concept of the society, the state, or legal order...contrary to the institutional order of the country." This Article had been applied to media coverage, commentary, or publicity about such groups or doctrines, and its elimination was welcomed as a victory for freedom of speech and press. However, the Military Code providing for sanctions against persons charged with "Offenses Against the Armed Forces" remains in force. In past years, critical editorials, satirical reports, and articles on issues deemed sensitive by the Armed Forces have been cited under this provision. According to the Chilean National Association of Journalists, there were more than 30 charges pending in military courts against 19 of its members in 1989. Most of these cases date from 1985 to 1988. In 1989 only two cases against journalists or media organizations were initiated in the military courts. Additionally, the Interior Ministry requested that a judge investigate possible charges against the editor of a new leftwing magazine, Punto Final for "Offenses Against the President." In another instance, a judge declined to prosecute in a case brought before the civil court by the Government. Military courts also are prosecuting at least five nonjournalists for "Offenses Against the Armed

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Forces" made in interviews or because of their position as director or owner of an offending medium. Most of these cases were initiated 2 or 3 years ago. Several journalists have received suspended sentences. A lawyer with the Vicariate, indicted for an article he wrote for the Jesuit monthly magazine Mensaje in 1987, was found not guilty in 1989 by a military judge; however, there is a petition before the Supreme Court to have the decision overturned.

Generally, however, informal censorship was no longer in evidence, and self-censorship was no longer as pervasive as in the past. Several books dealing with human rights abuses under the Pinochet administration were published in 1989. Media access for political and other leaders critical of the Government was greatly expanded in 1989, and various opinions on such formerly sensitive issues as human rights violations, the civilian/military relationship, and controversial actions of the Government were widely covered in both print and electronic media. The media extensively covered and commented on the political campaigns and the process of the return to democracy. Candidates for the December 14 elections received generally equitable television exposure, and political personalities representing a wide spectrum were regularly seen on weekly televised political forums. A debate between the two leading presidential candidates, the first of its kind in Chilean history, was aired on October 9. However, the press chief of the government-owned national television was forced to resign after the August 29 telecast of an interview, notable for its objectivity and fair treatment, of the candidate for the center-left coalition.

In October the Government promulgated a law to privatize television channels. A seven-member National Television Council (NTC), appointed for a 6-year term, is authorized to grant and take away licenses and sanction channels. Critics of the measure cited it as an attempt by the Pinochet Government to extend its control over television programming through the 4-year presidential term which begins in March 1990 and to insure that only individuals or entities sympathetic to the Pinochet Government receive licenses. An army lieutenant colonel and a navy captain are among those appointed to the NTC, and it includes no opposition representative. The Television Law can be modified by an absolute majority vote in the new Congress which takes office in March 1990.

b. Freedom of Peaceful Assembly and Association

There were few restrictions on peaceful demonstrations and association in 1989. Although official permission to hold rallies is no longer technically required, authorities must be notified in writing of planned public events. Several large demonstrations were held during 1989, including May Day labor demonstrations and political rallies. Carabinero crowd-control methods were generally nonconfrontational, although there were occasional clashes when tear gas and water cannon were used, and which resulted in arrests.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion. Although Chile is predominantly Roman Catholic, there are no

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restrictions on religious practices and no official discrimination against any religious group. A number of Protestant denominations and other groups are active and report full freedom and tolerance, as does the local Jewish community. Religious belief and adherence appear to have no effect on acceptability for government positions. The Mormon Church continued to be a target of leftwing terrorist groups, primarily the MJL; Mormon churches were bombed, but there were no reported injuries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chileans are promised full constitutional freedom to move within and to enter and leave their country. However, as noted in Section 1.d., two Chilean labor leaders remained in internal exile until they were pardoned in October. Many exiles presumably choose to remain in their adopted countries for economic and family reasons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The transition from a military junta, which has held power for 16 years, to a democratically elected civilian Government is proceeding in keeping with the terms of the 1980 Constitution. Presidential and congressional elections were held December 14. Over 95 percent of registered voters cast ballots in the fair and orderly elections. The new Government will assume power on March 11, 1990. There is universal suffrage for citizens 18 years of age or over, and over 95 percent of those eligible are registered to vote.

Discussions among government officials and political leaders led to an agreement in April on changes to the 1980 Constitution, for purposes of "perfecting" it (in the view of the officials) and to make it more democratic (in the view of the political leaders). The package of reforms was then submitted to a plebiscite on July 30. Approximately 92 percent of registered voters participated in the peaceful plebiscite, and 85 percent approved the package of reforms. Although critics of the 1980 Constitution contend the reforms were not sufficiently far-reaching, the reforms included provisions to make amendment of the Constitution less burdensome; increased the number of elected Senators, thus diluting the power of appointed Senators; diminished the role of the National Security Council and equalized the number of civilians and military officers within it (it had previously been weighted in favor of the military); and shortened the next presidential term of office to 4 years.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In April the UNHRC Special Rapporteur resigned for health reasons, and the Chilean Government announced it would not accept a replacement. Subsequently, the Special Rapporteur rescinded his resignation yet was refused entry by the Chilean Government. Nonetheless, the Special Rapporteur plans to submit a report.

The Government continued its cooperation with the ICRC, which provided confidential reports to key government ministries on the results of its visits to prisons, as provided for in the

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agreements signed late in 1986 and early in 1987 with the CNI, the Investigations Police, and the Carabineros. The Government permits visits and investigations by private international human rights groups. The Government accorded them no official status but made no effort to impede the journalists and other international observers of the July plebiscite and the December elections.

The Catholic Church continues to take the lead in defending human rights. It supplies legal counsel to those accused of politically related crimes and to victims of human rights abuses. Its Vicariate of Solidarity monitors the human rights situation throughout Chile, issues factual monthly reports, and protects and defends significant numbers of people. The statistics provided by the Vicariate generally cover cases actually handled by it. An attempt by the Government to secure certain files of the Vicariate was eventually suspended when the Vicariate refused to surrender the documents. The CHRC, a private organization, also continued to publicize abuses. Statistics provided by the CHRC cover violations brought to its attention throughout the country. Because some persons involved in human rights violations may not go to the Vicariate for assistance, the CHRC statistics provide a wider but less first-hand picture of human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority groups do not suffer from any specific legal discrimination. The only significant racial minority, the Mapuche Indians in southern Chile, remains separated from the rest of society because of historical, cultural, educational, and geographical factors rather than official policy.

Legal distinctions between the sexes still exist, despite a law passed in 1989 to reduce restrictions on women. For example, wives can now retain control over income earned independently from their spouses, although assets held at the time of marriage become community property controlled by the husband; decisions on where to live are to be jointly taken, whereas before a woman was obliged to live where her husband decided. The legal retirement age for women is 5 years lower than that for men. Inheritance laws provide strong protection for wives and favor female over male heirs.

There are no readily available figures on the magnitude of the problem of violence against women, including domestic violence, such as wife beating. Major media outlets rarely cover the issue, and the most prominent human rights groups, including women's organizations, concentrate their attention and resources on other human rights issues. Under the changes in the law which were enacted in 1989, a husband no longer has legal control over a wife's person as well as her goods. This change, at least in theory, should make it easier for women to bring charges of physical abuse against their husbands.

The U.N. Convention on the Elimination of All Forms of Racial Discrimination was signed by Chile in 1980 and ratified on October 17, 1989. It entered into force on December 29 when the text of the Convention was published in the official gazette.

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Section 6 Worker Rights

a. The Right of Association

Workers in Chile have the right to form and join unions. Approximately 10 percent of the work force is organized. Most aspects of labor rights are codified in 12 laws passed in 1987. The political parties law was amended to permit union (and professional association) leaders to be political party activists, but the prohibition against their simultaneously holding both party and union or association office was maintained.

Legally recognized unions do not need permission to hold union meetings or conferences. Under the law, unions cannot elect as an officer a person who is under indictment. The Labor Code also discourages the development of national union confederations, but labor unions can and do maintain relations with international labor bodies in their fields. The Government selects Chilean worker delegates to participate in the conference of the International Labor Organization (ILO). In 1989, as in prior years, the Government sought to avoid challenges to the credentials of these delegates by consulting with representative trade unions in Chile. However, in selecting delegates to represent the Chilean workers in the ILO, the Government ignored the major de facto umbrella labor organizations, such as the Unified Workers Central (CUT), which the Government does not recognize.

Under the Labor Code there are severe restrictions on the right to strike. Strikes are prohibited in 25 designated strategic enterprises, primarily public utilities, the largest government copper mine, and the petroleum industry. There is no indication that blacklisting of trade union leaders and members who participated in illegal strike actions in past years has ended; however, there was no instance of massive dismissal of workers for striking during 1989. Legal strikes which did take place tended to be brief; there were only three strikes in 1989 which lasted 60 days or longer. After 60 days, striking workers are subject to loss of benefits and jobs.

On January 26, 1988, President Manuel Bustos and Vice President Arturo Martinez of the National Workers Command CNT (which was subsequently subsumed into the CUT) were sentenced to 541 days imprisonment for calling a general and illegal strike on October 7, 1987, in the aftermath of which several people died. An appeals court overturned the conviction. Subsequently, the Minister of the Interior appealed to the Supreme Court to restore the original sentence; on August 17, 1988, the high court imposed a sentence of 541 days of internal exile, a sentence rarely handed down by Chilean courts. Despite widespread national and international appeals for a pardon, the Government had refused to grant one until October 23, 1989, after the two had served 403 days of the sentence. In April 1989, four other CUT officials were charged with the same offense as Bustos and Martinez, calling an illegal strike (to demand, among other things, the release of Bustos and Martinez) which prompted some violence. They had not yet been brought to trial at year's end.

In January the Ministry of Economy ordered the Association of Teachers' President and Vice President to leave office because they had failed to submit, as required by law, a Carabinero certificate stating they had no charges pending

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against them; both have charges outstanding in connection with their involvement in an allegedly illegal demonstration several years ago. The Ministry of Economy rescinded the order at the end of January, however, and fined them instead. By year's end the Government had not yet responded to petitions from two labor unionists for restoration of their citizenship, which they lost when exiled; several exiled political figures did have their citizenship restored.

Chile has not ratified ILO Conventions 87 on Freedom of Association or 98 on Collective Bargaining.

The cases listed above are among numerous complaints filed against Chile with the ILO by a number of national and international trade union organizations over the past several years. In its most recent interim report (June 1989) on the status of these cases, the ILO Committee on Freedom of Association (CFA) noted that the Government had provided detailed information on most of the allegations, and made recommendations for the resolution of outstanding charges.

In its review of the application of conventions in 1989, the ILO Committee of Experts (COE) reiterated its call for Chile's repeal of provisions of the Constitution and various laws which bar individuals from holding public jobs or offices, or positions in publishing or education by virtue of their membership in or association with organizations which espouse certain prohibited ideologies or political viewpoints. The COE also cited laws which provide for discharge without compensation for activities unrelated to the work place, as incompatible with ILO standards. The Committee also called on the Government to repeal laws which grant broad discretionary power to executives of educational institutions and permit the barring of students and teachers from such institutions for the expressing of political opinions.

Organized labor continued to press during the year for a full investigation of the 1982 murder of labor leader Tucapel Jimenez. Efforts to pursue the investigation continue, but the case remains officially closed. While the Supreme Court dismissed indictments against a political leader and a trade union officer for having slandered the Government in this case, there remained high interest within Chilean and international trade union circles in seeing this case reopened.

On December 24, 1987, after failing to make promised changes in its Labor Code to enhance workers' rights, Chile was formally suspended from the list of countries eligible to participate in the U.S. Generalized System of Preferences (GSP) Program, and it remained suspended throughout 1989.

b. The Right to Organize and Bargain Collectively

While the rules governing union organizing in firms employing between 25 and 50 workers were eased in 1988, collective bargaining is strictly regulated, and the entire collective bargaining procedure can be nullified if any of a series of legally imposed deadlines are missed by either the union or management. Further, a union does not have the option of delaying the bargaining process in anticipation of a more propitious future bargaining atmosphere. A decision not to negotiate a new contract upon expiration of the former one results in automatically extending the expired contract for a minimum 2-year period. Although Chilean law protects the right for workers to form unions, in practice such laws are not effective, especially in small workplaces.

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right for workers to form unions, in practice such laws are not effective, especially in small workplaces.

Despite the restrictions in the Labor Code, there were 1,402 collective bargaining agreements signed in 1988, the latest year for which data are available.

There are no export processing zones or other special districts where different laws apply.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is implicitly prohibited in the Constitution and Labor Code, and there have been no complaints on this issue since the mid-1970's.

d. Minimum Age for Employment of Children

Child labor is regulated by law. Young persons aged 14 and 15 may be employed with the permission of their parents or guardians, if they have completed their schooling and then only in restricted types of labor. Those between the ages of 15 and 18 can be employed in a larger variety of labor, and at expanded hours, but only with their parents' or guardians' permission. Enforcement of these regulations in the formal sector is good, but economic factors have forced many children to seek part-time and full-time employment in the informal economy which is generally difficult to regulate.

e. Acceptable Conditions of Work

Minimum wages, hours of work, and occupational safety and health standards are regulated by law. The normal workweek is 48 hours. The minimum wage is approximately \$70 per month; it is not considered sufficient for a decent standard of living, but many households have two full-time wage earners. The law permits the hiring of apprentices, but pay may not be less than the minimum wage. Laws covering wages and hours of work are difficult to enforce, and there are complaints that occupational health and safety laws are not adequately policed. Workers have the right to denounce employers who pay less than the minimum wage, and employers can be forced to pay back wages, but an employee who brings such a complaint risks losing his job for having done so.

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Colombia is a constitutional, multiparty democracy. Two parties, the Liberals and the Social Conservatives, have dominated national politics since the mid-19th century, but smaller parties are usually represented in Congress, state assemblies, city councils, and among popularly elected mayors. The Constitution provides for independent legislative and judicial branches of government. In practice, the courts and, to a lesser extent, the Congress provide significant checks on presidential power.

Internal security is the primary responsibility of the Ministry of Defense, which includes the National Police. The Ministry is responsible directly to the President and operates under civilian control. The Department of Administrative Security (DAS), roughly equivalent to the U.S. Federal Bureau of Investigation, reports directly to the President.

Colombia has a mixed economy in which private enterprise plays the dominant role. The coffee industry, which accounts for some 30 percent of the country's legal export earnings, is essentially in the private sector, as are most entities engaged in manufacturing, agriculture, and the service sector. There is also a large informal economy. State enterprises control domestic participation in the oil and coal industries and play an important role in the electrical and telecommunication utilities.

Despite Colombia's strong democratic traditions, it has suffered from social unrest and an extraordinary level of violence for most of the past 40 years. The main causes of the violence and the concomitant human rights abuses are political extremists of both the left and the right, and the enormously wealthy narcotics traffickers, with the latter being the single largest cause in 1989. There have also been significant abuses by individual members of the army and police in responding to violence from these other sources.

The extreme left includes several armed guerrilla groups which use terrorism and narcotics trafficking to achieve their goal of violently overthrowing the democratic Government. The extreme right is composed of disparate elements, including a number of "self-defense" groups which were originally formed by rural landowners to defend against guerrilla attacks and which have degenerated into vigilante squads that assassinate, torture, and massacre people believed to have links with leftist political figures or the guerrillas. In areas where traffickers are powerful, these groups are often allied with the traffickers. The traffickers control enormous illicit enterprises which utilize extreme violence in attempts to bend the Colombian political and judicial systems to their own purposes. The major traffickers have achieved virtual immunity from prosecution by threatening, kidnapping, and murdering judges, government officials, political leaders, and their families. The relationships among the traffickers and between traffickers and rightwing elements or guerrillas are complex.

To cope with the persistently high level of violence and human rights violations, the Government has resorted to extraordinary measures. In August President Barco launched a major offensive against the traffickers and issued constitutionally authorized state of siege decrees providing for confiscation of the property of persons involved in narcotics trafficking and the reimplementing of extradition

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for fugitive traffickers. The President's September 1988 peace plan led to a reduction in guerrilla-related violence in 1989. Colombia's largest guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), announced a unilateral cease-fire in February, and the number of its attacks declined although it has not abandoned violence. The M-19 guerrilla group signed a peace accord with the Government in October, and tentative talks were begun with the FARC and another guerrilla organization.

Human rights abuses violate government policy, and there is no evidence that the Government or senior military officers have ordered such acts; many take place in remote regions without the knowledge of central authorities. Although much more needs to be done, the Government in 1989 continued its efforts to improve the human rights record of its own security forces. It provided training on human rights to about 300 military personnel and, with the assistance of Canada, it trained all village ombudsmen in human rights. Nevertheless, soldiers and policemen have also been involved in assassinations and massacres of suspected leftists, and rural-based local military commanders have sometimes assisted rightwing groups, seeing them as allies against the guerrillas. Some of these same groups have been linked to narcotraffickers. In past years little was done to stop such actions. Military officers have attempted repeatedly to obstruct prosecution of military personnel who committed human rights abuses. In early 1989, however, the armed forces' high command and the police began to dismiss officers and enlisted men believed to be involved in human rights violations, and some of these cases were subsequently being prosecuted in the civilian court system. None of these trials had been concluded by year's end, and violations continued.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

Colombia has one of the highest murder rates in the world, and its police and judicial systems lack the resources to investigate and prosecute most of these crimes, making it difficult to separate political and nonpolitical murders. Nevertheless, the figure of 324 confirmed political killings in Colombia from January through August 1989 provided by the Bogota-based group Centro de Investigaciones y Educacion popular (CINEP)--a Jesuit-affiliated social research institution which follows the human rights situation--seems reasonably accurate. This is a significant drop from the 706 political killings recorded by CINEP during the same period in 1988. CINEP labeled an additional 1,069 murders as possible political killings, compared to 1,145 during the same period in 1988. These numbers exclude deaths in combat. Narcotics-related killings increased some 140 percent during this period for a total of 129.

A number of spectacular assassinations in 1989 highlighted the vulnerability of even figures at the highest levels of Colombian politics and government. In the 90-day period beginning May 30, killers hired by the narcotics traffickers murdered a governor, a state police chief, two judges, and, on August 18, Senator Luis Carlos Galan, a leading presidential candidate. The head of the DAS narrowly escaped death on May

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30 when a car bomb exploded in a crowded Bogota street as his motorcade passed by during the morning rush hour. Seven persons died in the explosion. On October 17, Hector Jimenez Rodriguez, a judge of the Medellin Superior Court who, as a member of the Court's penal chamber, heard narcotics cases, was shot to death outside his home. On December 5, Criminal Court Judge Bernardo Jaramillo Uribe was also assassinated in Medellin. The self-described "Extraditables" (top traffickers) publicly admitted many such killings.

Narcotics traffickers did not restrict their killings to prominent public figures. They, and groups of bandits and rightwing extremists backed by them, slaughtered hundreds of peasants, minor politicians, and low-level government officials, either because they were suspected of leftist or proguerrilla sympathies or because they had attempted to interfere with the criminal activities of the traffickers. On January 18, near the town of La Rochela, gunmen massacred a team of 12 judicial officials investigating a previous massacre of townspeople which likely had been ordered by traffickers. Narcotics interests are also believed to be responsible for the many deaths resulting from the bombing of an Avianca aircraft on November 27 and certainly were responsible for an explosion at DAS headquarters in Bogota on December 6, which killed 64 and injured over 700

Labor suffers a disproportionately high rate of violence. Many affiliates of the largest workers' confederation, the Unitary Workers Central (CUT), are Communist controlled, and some, like the banana workers unions in Uraba, are controlled by guerrilla groups. Many of their members have been killed by presumed rightwing elements. Trade union leaders of the Democratic Labor Confederation (CTDC) have been threatened and assassinated by guerrillas trying to weaken and intimidate moderate unions. Two gunmen on November 21 murdered Nel Dario Gomez, the secretary of his CUT-affiliated union, who worked in Monteria, Cordoba department, distributing land reform parcels to rural members. Forty-seven union activists were killed during the first 8 months of 1989, according to CINEP figures; it is not clear that all these murders were politically motivated, however.

At least 45 persons associated with the Union Patriotica (UP) party, which was established as the political arm of the FARC, were killed during the first 8 months of 1989, according to CINEP statistics. Most of these murders were probably by extreme rightists, although a few of the assassinated politicians may have been the victims of common crime. Many UP figures assert that the Government is either unwilling or unable to afford them adequate protection. The most notable UP casualty was senior party official Jose Antequera, who was assassinated on March 3 in Bogota's airport. On November 21, Gustavo Castro, a UP activist, was assassinated by unidentified gunmen near Ibaque, Tolima department.

Political killings also affected the ruling Liberal and the opposition Social Conservative Parties. At least 14 elected officials and a much larger number of party activists of these two major groups had been assassinated as of mid-September. Few of these killings have been solved, and the specific motivations for many of these incidents of political violence are often unknown.

Although the gunmen responsible for some of these crimes have been apprehended, those who ordered them almost invariably

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escape prosecution. Even if a major figure were to be captured, a conviction would be difficult; the judicial system has been paralyzed by intimidation.

The leftist insurgent groups are responsible for a large number of killings which occur outside the scope of armed conflict. The guerrillas frequently kill those who refuse to submit to guerrilla extortion, those who attempt to leave the guerrilla organizations, and persons who are perceived to have helped the Government. In several January incidents, the FARC murdered three fishermen, four cement workers, and five peasants, apparently because they did not support the guerrillas or were suspected of being army informers. The following month, another guerrilla group, the Popular Liberation Army (EPL), killed six peasants who had refused to pay a guerrilla-imposed "tax."

The Government took action in 1989 against the military and police officials who participated in the 1988 massacre of residents of the village of Segovia, Antioquia. Two army officers and one police official were dismissed from service and along with three civilians were turned over to a civilian court to be prosecuted for terrorism. In addition, three more army officers and two police officials were under investigation by the Attorney General's office for human rights abuses.

In October Amnesty International (AI) issued a report on Colombia in which it charged that government security forces were directly responsible for thousands of extrajudicial killings and also suggested that the traffickers and their allies operate with government support. Clearly, Colombia, whose democratic system is under assault by narcotics traffickers and political extremists, has a serious human rights problem. AI's assertion that the high command of the security forces has adopted a deliberate policy of gross human rights violations was rejected as inaccurate and misleading by Colombians with a wide variety of political views as well as by local and international human rights groups. Two other reports issued in late 1989, one by the Lawyers Committee for Human Rights and the other by the Washington Office on Latin America (WOLA), assert that persons connected to the Government or security forces have links to violence. An Americas Watch (AW) report of April 1989 was "certain" that the Government was not behind any of the killings but was not prepared to absolve the military or political leadership. In any case, AW held the Government indirectly responsible for the murders by failing to fully protect all its citizens.

In 1989 senior military and police officials initiated a campaign to expel officers believed to be cooperating with armed rightwing groups. While never condoning such cooperation, in previous years the highest officials of the Government had not taken effective steps to recognize and stop it. In the first 8 months of 1989, however, 84 officers were dismissed from the armed forces, according to Attorney General Alfonso Gomez Mendez, most of them for association with narcotics traffickers, cooperation with armed rightist groups, and violations of human rights. In one of the most publicized cases, the army high command removed and retired Lieutenant Colonel Luis Bohorquez, the top military commander in the Magdalena Medio region, who was accused of supporting the armed rightwing groups which dominate the region. In April the Government announced the formation of a 1,000-man special police force devoted exclusively to combating rightist

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groups. Despite the Government's efforts, however, there likely are members of the police and army who continue to participate in extrajudicial killings. Punishment for human rights abuses within the military judicial system seldom extends beyond dismissal from the service. In 1989 the Supreme Court upheld the right of civilian courts to try military personnel in a wide variety of situations. In the immediate future, however, there appears to be little prospect of effective action by judges of the weak civilian judicial system.

b. Disappearance

The number of disappearances in Colombia appears to have declined in 1989. CINEP reported 101 disappearances in the first 8 months of 1989 compared to 192 during the same period in 1988. Most disappearances take place in areas of active guerrilla insurgency as a result of forced recruitment by the guerrillas, flight from such recruitment, executions by either the guerrillas or rightist groups, or common kidnaping. Despite efforts by the security forces to dismiss human rights abusers over the past year, there continue to be reports that individual military and police personnel are also involved in specific disappearances.

Kidnapings by guerrillas and common criminals remained prevalent in 1989. The kidnapings of wealthy persons for ransom is an important source of revenue for the guerrillas, but they also kidnap for political reasons, sometimes executing their victims after mock trials. Reliable statistics on kidnaping are unavailable because friends and relatives often fear that the victim's life will be endangered if his situation is publicized or reported to the authorities.

The Attorney General's Human Rights Office was created by President Barco in 1986 specifically to investigate allegations of disappearances in which government officials are suspected to have been involved. The Human Rights Office receives complaints from the public, and the Attorney General has the power to impose administrative sanctions and recommend dismissal of officials involved in violations of the law, although he cannot bring criminal charges. This is the responsibility of a judge acting on a complaint which may be filed by the person against whom the crime was committed or anyone else who has knowledge of the offense.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law. There are reliable reports, however, that police frequently beat and torture detainees--whether arrested as common criminals or as suspected guerrillas--especially during the first 24 hours of detention. The rightwing groups which operate in the countryside frequently torture their victims cruelly before killing them, as evidenced by the condition in which their bodies have been found. The guerrillas also mistreat their captives. In one early May incident, a guerrilla group tortured and subsequently executed two soldiers captured in the department of Meta. In October the National Liberation Army (ELN) kidnaped and tortured the Bishop of Arauca before murdering him.

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d. Arbitrary Arrest, Detention, or Exile

The right to challenge the legality of detention is generally respected. A person may be arrested if apprehended in the act of committing a crime or if an appropriate order of capture has been issued by a judge. The police must inform a judge of a person's detention within 24 hours. Within a specified time, depending on the circumstances of the case, the judge must decide if there is enough evidence to pursue the case. If there is, he issues an order of detention under which bail is possible, or an order of preventive detention, under which the person is incarcerated until trial. However, there are occasional instances of arbitrary arrest or detention for political purposes, and the police sometimes arrest persons of modest economic means on charges of dubious validity in an effort to extort money for their release.

In response to the wave of apparently narcotics-inspired assassinations which culminated in the August murder of presidential candidate Galan, President Barco issued a state of siege decree which provides for 7 days of incommunicado detention of those suspected of narcotics trafficking. Detainees must then be turned over to the civilian judicial system. In practice, those arrested under the decree are often turned over to a civilian judge or released before the 7 days have expired.

There are no legal provisions for exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is independent of the executive and legislative branches of government. The rights of public trial and due process are provided for in the Constitution. Accused persons have the right to representation by counsel; if they do not have an attorney, the court will appoint one. However, due to an overburdened judicial system and a traditional reluctance to grant bail, most prisoners incarcerated for common crimes never come to trial but are simply released after serving the minimum sentence applicable to the crimes alleged. Only about 25 percent of prison inmates have been convicted of crimes. Bail is prohibited during the first 210 days of detention for suspected terrorists arrested under an antiterrorist decree of 1988.

When a narcotics-related case does come to trial, the judicial system is usually so intimidated that it is unable to conduct it impartially. Many magistrates, judges, jurors, and attorneys have been threatened with death, killed, or had family members killed because they were investigating or prosecuting narcotics traffickers or their associates. Following the Galan assassination, the President issued a decree abolishing the easily intimidated three-person juries which had been used in murder cases.

A system of specialized judges to investigate and prosecute narcotics cases has existed since 1987. A system of public order judges was created in August 1987 to investigate and prosecute public order crimes (terrorism, torture, personal injury, narcotics trafficker violence, etc.). In January 1988, the Government established the Tribunal of Public Order as a court of appeal for the above crimes. These officials expedite legal proceedings because they both investigate and prosecute. (Normal legal procedures in Colombia involve

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separate judges for the investigation and prosecution stages of the judicial process.)

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A judicial order is constitutionally required for authorities to enter a private home, except in the case of hot pursuit. While Colombian human rights organizations report widespread violations of this requirement in the more remote regions of the country, government forces in urban areas generally respect the sanctity of the home and the right of privacy. Persons from rural areas frequently claim that they have been forced to leave their farms by military counterinsurgency operations, guerrilla conscription and confiscation, and by armed thugs hired by narcotics traffickers and local landowners.

Telephone taps and mail intercepts are normally allowed only under close judicial supervision. Nevertheless, a 1988 state of siege decree allows police to use such measures without judicial authorization if it is deemed necessary to facilitate an investigation into terrorism or related activities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These constitutionally assured rights are respected, and the press often vigorously criticizes the Government and its leaders. The privately owned print media are under no governmental restraints and publish a wide variety of political views, including public calls for the President's resignation. Television frequencies and transmission facilities are controlled by the State, which leases time to private television production companies and imposes some guidelines relating to the coverage of terrorism. Under a 1988 state of siege decree, television and radio programs are prohibited from identifying witnesses to terrorist acts and from broadcasting live transmissions of ongoing terrorist incidents. During a crisis, the Government reserves the right to prohibit the broadcast media from covering certain news events. This right was not exercised in 1989. All significant candidates for public office generally receive unbiased coverage on television and radio newscasts.

The most serious threat to freedom of expression comes from the narcotics traffickers, who both threaten and kill journalists and others who publicly support extradition or strong antinarcotics measures. In September a truck bomb severely damaged the offices of the Bogota daily *El Espectador*, which has long been a vigorous critic of the traffickers. Later that month Guillermo Gomez Murillo, a correspondent for the newspaper, was assassinated in his home. Gomez was one of more than a dozen journalists who have been assassinated in recent years, most of them by trafficker-affiliated rightwing extremists. In mid-October a car bomb almost completely destroyed the offices of *La Vanguardia Liberal*, the principal newspaper of the eastern city of Bucaramanga. Narcotics interests have threatened advertisers in the press as another part of their effort to halt the press campaign against them.

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b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly is respected. Public meetings and demonstrations are normally held without interference. Under the state of siege, prior permission is required for demonstrations and is usually granted, except when the Government believes there is a clear and imminent danger to public order. Following the August murder of Luis Carlos Galan, which was followed by a wave of terrorist actions directed by the narcotics traffickers, the mayor of Bogota temporarily banned all demonstrations in the city.

Colombians have the constitutional right to form political parties, trade associations, unions, clubs, or groups of any type which do not advocate violence. Theoretically, the Government can deny legal status to newly formed groups, but this power is almost never used. Any organization is free to associate with international bodies in its field.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion. According to official statistics, 217 different religious sects are registered in Colombia. Although the predominant position of the Catholic Church is established by a treaty between the Government and the Vatican, and the overwhelming majority of Colombians are Catholic, no legal discrimination exists against any religious group, and there is little or no religious discrimination in practice.

The Government permits proselytizing among Indians as long as the Indians welcome the missionaries and are not induced to adapt changes that inhibit their survival on traditional lands. The Government requires all missionary groups (both Catholic and non-Catholic) to keep it informed of their activities and expects them to respond to guidance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel domestically and to leave and return to Colombia. In traveling through areas where operations against rural guerrillas are under way, civilians require safe conduct passes from the military; guerrillas reportedly use a similar means to restrict travel in areas under their control. There are no restrictions on emigration. Colombians who have sought and been granted diplomatic asylum in foreign embassies have always been allowed to depart the country. Expatriates can, by law, repatriate. Colombia uses accepted United Nations standards to determine the status of refugee and asylum seekers and does not turn away those who qualify.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Colombia has a democratic system of government, and elections have been conducted fairly and openly for the past 30 years. Persons are enfranchised by the Constitution at age 18. Public employees are forbidden by law to participate in political campaigns but, with the exception of military personnel, may vote.

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Colombian politics are dominated by the Liberal and the Social Conservative Parties. Both include elements with widely divergent political views. All parties operate freely without government interference. The UP, which participated in national elections for the first time in 1986, is the third strongest party. It received 3.1 percent of the total vote cast in city council elections in 1986, and less than 1 percent of the vote in the 1988 mayoral elections. Elections will be held in 1990 for the presidency, the Congress, and local offices.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Colombia is sensitive to its human rights image abroad and cooperates with investigations by international and nongovernmental human rights groups based abroad. AW's factfinding missions which visited Colombia in December 1988 and in February 1989 were able to interview a number of government officials. WOLA also cited interviews with government and party officials in its 1989 report on Colombia.

The two most respected human rights organizations within Colombia are CINEP and the Permanent Committee for the Defense of Human Rights. Information compiled by these groups has been used extensively by international organizations such as AI, AW, and WOLA. CINEP, the Permanent Committee, universities, and other groups regularly sponsor conferences to analyze violence in Colombia. Colombia is an active participant in international and regional human rights bodies.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The law provides women equal civil and property rights. Women comprise just over 25 percent of the country's economically active population. Women are legally entitled to remuneration equal to that of their male counterparts, a law generally respected more by the Government than private industry. Forty percent of the university population is female.

Violence directed against women appears to be disturbingly common, especially in the countryside and in lower income strata in the cities, but a lack of reliable statistical data makes it impossible to gauge its true extent. Victims of domestic violence such as wife beating often are reluctant to file reports or to press charges, thus leading to the likelihood that such abuse is significantly underreported. There is a code of family law to protect the interests of mothers and children, and women who are the victims of domestic violence can bring charges brought against their assailants. The Government does not condone such abuse. Domestic violence, however, is not treated as a serious crime in Colombia.

There are women's associations active in Colombia which work for the rights of women in the workplace, in the home, and in public life. Through the Colombian Institute of Family Welfare, the Government provides education in domestic relations and personal behavior, primarily to families in lower income levels. Churches are also active in this domestic education of their parishioners. Because the

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judicial system in Colombia is weak, the police and courts are no more effective in enforcing laws relating to the treatment of women than they are in enforcing other parts of the law.

Several million black Colombians comprise the country's largest racial minority. They enjoy the full legal rights of all other citizens.

Colombian Indians also legally enjoy all the rights and privileges of full citizenship. Nevertheless, Indian rights groups protest that they suffer a variety of abuses, and they are seeking to promote improvements through community action, public education, and legal aid. Their most common complaint continues to be that Indians are forced off contested land by armed thugs hired by landowners. When the Indians retaliate, the landowners call on local police and military forces for protection. There were no incidents of this nature reported in 1989. In an effort to protect Indian culture, the Government in 1989 designated certain land in southern Colombia for the use of the Indians.

Section 6 Worker Rights

a. The Right of Association

The right of workers to organize labor unions and to strike is recognized specifically in the Constitution, although public service unions may not strike. Law 26 of 1976 affirms the autonomy of labor organizations to produce their own statutes and rules, to elect trade union officials, and to administer their own activities. Law 26 also prohibits the dissolution or suppression of trade unions by administrative fiat and allows the almost automatic granting of official status to labor organizations which have the requisite number of members.

While the right to strike is guaranteed, the steps required before a legal strike may be called include direct negotiations, followed by conciliation, and only then may the problem advance to the stage of either a strike or arbitration by the Ministry of Labor. Arbitration is compulsory in the public service sector and for official employees who legally do not have the right to strike. In the private sector the Minister of Labor may intervene in a dispute at the stage of conciliation and when it affects the national economy.

Almost half of the country's 1.2 million unionized workers belong to the CUT, formed in 1986. Although the CUT is not officially a member of the Communist-controlled World Federation of Trade Unions, it is heavily influenced by an element that has retained strong links to the international Communist labor movement. The rest of Colombia's organized workers belong to three long established confederations, two of which are affiliated with the International Confederation of Free Trade Unions and the third with the World Confederation of Labor.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) expressed deep concern at the violent situation in Colombia which creates hardship for the population and prevents the exercise of union activities. The COE also cited a number of provisions in the labor law which it said were incompatible with Convention 87 because they allowed the Government to interfere with the internal administration of unions and inhibit the right of unions to further and defend the interests of their members. The COE

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asked the Government to make the necessary modifications in the legislation.

At its May-June 1989 session, the ILO Committee on Freedom of Association (CFA) expressed its deep concern over the large number of trade union leaders and members who had been murdered or had disappeared since 1986. The Committee recalled that it had considered allegations concerning the murder or disappearance of more than 200 trade unionists at its November 1988 meeting and that, since that time, complaints of an additional 46 murders and one disappearance of trade unionists had been received. The CFA noted important government measures to fight the death squads and hired assassins but regretted that there was no indication of steps taken to strengthen the judiciary.

The CFA's May-June 1989 session also considered a complaint filed by several Colombian and international trade union organizations alleging that the Government violated Convention 87 on Freedom of Association by arresting four trade union leaders and 80 workers, searching and closing the trade union premises, and arbitrarily discharging 50 trade union officials and 350 workers because they had engaged in a strike for wage increases. The Government contended that its actions were based on common crimes and sabotage committed by the workers and their union, which resulted in the cutoff of electric power throughout the country for a 24-hour period. The Government alleged further that the actions of the union had a political motivation relating to a coup attempt which occurred at the same time. The CFA asked the Government to provide information on the charges against the detained unionists and workers, and to reply to the allegations of arbitrary discharge.

The observations of the two committees were the subject of a "special paragraph" in the 1989 report of the ILO Conference Committee on the Application of Conventions and Recommendations (CACR), urging the Government to take the necessary steps to bring its law and practice into line with ILO Conventions and guarantee the safety of trade unionists.

(See Section 1.a. for a discussion of violence directed against unions.)

b. The Right To Organize and Bargain Collectively

The right of workers to organize labor unions and to engage in collective bargaining enjoys constitutional protection. At the present time, unions have been successful in organizing only the largest firms and the public services, which include from 9 to 11 percent of Colombia's economically active population.

In the private sector, workers have the right to bargain collectively; however, because of high unemployment, they have limited bargaining power. The use of strikebreakers is prohibited by law, and generous severance benefits tend to discourage management from firing union militants. However, this provision, like other provisions of labor law, is effectively ignored by small and medium-size enterprises.

Colombian labor law is applied uniformly throughout the country, including the export processing zones.

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The COE report cited above also urged the Government to take steps to provide public employees the right to bargain collectively, and to protect them from antiunion discrimination in accordance with Convention 98 on Organizing and Collective Bargaining.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is legally prohibited, and the prohibition is respected in practice. The COE report, cited above, requested the Government to bring certain provisions of law relating to prison labor into conformance with ILO Convention 29 on Forced Labor.

d. Minimum Age for Employment of Children

The law prohibits the employment of children in most jobs before the age of 14, particularly where such employment might interfere with schooling. This provision is respected in larger enterprises and major cities. However, the extensive informal economy is effectively outside government control. Approximately 2.5 million children under 15 years of age work in the informal sector for low pay under poor conditions with little protection from the labor code, according to a 1987 study.

e. Acceptable Conditions of Work

The Government annually sets a national minimum wage which serves as an important benchmark for wage bargaining. The minimum wage (about \$100 per month as of December 1989) is insufficient to maintain an acceptable standard of living. One report noted that 60 percent of the work force is paid the minimum wage or less.

The labor code regulates the hours of labor and other work conditions. While the 8-hour day is standard in larger companies, the workweek for most Colombians generally exceeds 40 hours. A standard week of five 8-hour days remains an important long-term goal of Colombian trade unions.

Workers' occupational safety and health are extensively regulated, including the use of protective clothing and ventilation, first aid and fire fighting equipment at the job site, sanitary facilities and potable water, and compensation for injuries. These regulations apply to the larger agricultural enterprises as well as industry and mining. However, exemptions for small companies, the frequent use of workers as subcontractors rather than employees, and general enforcement difficulties leave large numbers of workers outside the protection of the law. The Government is endeavoring to improve regulatory enforcement, and improved working conditions are a priority goal of trade unions. Violations appear to be more frequent among the newer, smaller industries. More than half of all the violators are concentrated in the commercial sector and in the restaurant and hotel industries, while almost one-fourth are in the manufacturing sector. Labor regulations most frequently violated by management are mandatory affiliation of workers to the Social Security Institute, observance of minimum salary levels, timely payment of salaries, and maintenance of hygienic conditions and occupational safety standards.

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Costa Rica is a 100-year old democracy with separate executive, legislative and judicial branches. Elections for president, two vice presidents, and 57 deputies to a unicameral legislative assembly are held every 4 years and have been free and fair. Oscar Arias won the presidency in February 1986 in an election in which approximately 80 percent of all eligible voters participated. New elections will take place in February 1990. The President is constitutionally barred for life from reelection. Members of the Legislative Assembly may be reelected but only after at least one term out of office.

The 1949 Constitution abolished Costa Rica's standing army. The country's small security forces consist of the Civil Guard, the Crime Prevention Unit, the Directorate of Intelligence and Security, the Narcotics Control Unit of the Ministry of Public Security, and the Rural Guard of the Ministry of Government. The Judicial Police, charged with investigating crimes, report directly to the Supreme Court. These public security organizations observe the procedural safeguards established by the law and Constitution and are subject to the strict control of the civilian Government.

Significant agricultural and light industrial sectors lead the Costa Rican economy. The steady economic growth of recent years continued during 1989 at a projected rate of 3.6 percent. Private enterprise accounts for 70 percent of the gross national product. The right to hold private property is protected by the Constitution, although delay in compensating foreign and Costa Rican citizens for expropriated properties has been a problem in recent years. Properties are expropriated for incorporation into nature protection reserve areas or are based on legal claims of Indians.

During 1989 the Arias administration continued to demonstrate a strong commitment to the longstanding Costa Rican tradition of respect for human rights. There were, however, some problems of de facto, though not de jure, discrimination against women, blacks, and Indians.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

The Government does not practice, abet, or condone political killing, and none was reported.

b. Disappearance

There were no known or reported incidents of politically motivated abductions or secret arrests.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits cruel or degrading treatment and holds invalid any statement obtained through violence. These prohibitions are respected in practice. Prisoners generally receive humane treatment in Costa Rica. The press, however, occasionally reports incidents of alleged police mistreatment of prisoners. In 1989, for example, the press reported

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allegations by two men that they had been imprisoned and tortured in the basement of the Judicial Police (OIJ) building. However, their accusations were dismissed after a thorough investigation by the Judicial Inspections Department. Charges of mistreatment of prisoners in 14 other cases are still under investigation.

d. Arbitrary Arrest, Detention, or Exile

Warrants are required for arrests, and an arraignment must take place within 24 hours of arrest. Article 48 of the Constitution entitles detained persons to a judicial determination of the legality of the detention. These rights are generally respected, although there are frequent reports of detainees remaining in custody long periods awaiting trial. Costa Rica has separate pretrial detention for major offenses, such as narcotics trafficking, and this detention can last for months.

The right to bail is provided for in law and observed in practice. Bail is sometimes denied to repeat offenders, however, and is usually denied to foreigners on the assumption that they would leave the country before coming to trial. A 1988 drug law, upheld by the Supreme Court, allows denial of bail to accused drug offenders. Detainees may be routinely held incommunicado for 48 hours after arrest and for up to 10 days with authorization of judicial authorities. The judiciary is generally effective in ensuring that legal and constitutional safeguards are observed.

The Constitution bars exile as punishment. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is widely recognized as independent and fair. The Supreme Court, the final court of appeal, supervises the work of the lower courts. Its 24 magistrates are elected for 8-year terms. Accused persons may select their own attorneys; access to counsel is guaranteed and honored in practice. The State provides legal counsel for those who cannot afford an attorney.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reported instances during 1989 of extralegal invasions of privacy conducted by, or with the knowledge of, the Government. Warrants are required to search private homes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution specifically provides for freedom of speech and press. These freedoms are generally respected in practice. Nine private newspapers (including two Communist weeklies), six private television stations, and several radio stations pursue independent editorial policies. The media freely criticize the Government, and there is no evidence of self-censorship or intimidation.

Foreign journalists challenged a law requiring the accreditation of journalists by the government-sponsored Costa Rican National Journalists Association; the Inter-American

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Court of Human Rights declared in 1985 in an advisory opinion that the law is incompatible with the freedom of information provisions of the Inter-American Human Rights Convention. The Minister of Information in 1988 recommended formally that the Government remedy this perceived restriction of freedom of the press, but in October 1988 President Arias came out in favor of the journalists' accreditation law in a speech to the Costa Rican National Journalists Association. To date, the law requiring the accreditation of Costa Rican and foreign journalists has not been revised. A Costa Rican newsman was convicted in 1989 by a criminal court for engaging in journalism without a license.

In what some charged was a violation of the freedom of expression, the censor's office banned the film "The Last Temptation of Christ" early in 1989. In June the Law Students' Association of the University Costa Rica denounced the ban before the Attorney General for Human Rights. At year's end, the Censorship Tribunal of the Ministry of Justice was awaiting the Attorney General's decision before issuing its own opinion.

b. Freedom of Peaceful Assembly and Association

Constitutional provisions of freedom of assembly and association are fully respected. Permits are not required for public meetings. Authorization is needed only for parades or similar large-scale gatherings.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and observed in practice. While Roman Catholicism is the official state religion, Costa Ricans affiliated with a wide range of religious groups participate without prejudice in social and political life. The Constitution stipulates that the President must be a layman. There are no restrictions on religious activity, and foreign missionaries and clergy of all denominations work and proselytize freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within the country or abroad, and both citizens and foreigners are free to live anywhere within the national boundaries. Neither emigration nor a citizen's right of return is restricted. Costa Rica supports multinational refugee programs and has accepted many refugees from Central and South America, although the continuing influx of Nicaraguan refugees has provoked government expressions of concern over strains on the economy and social fabric. During 1989, there were two instances of border officials forcing Nicaraguans entering Costa Rica to return to Nicaragua without allowing them to be interviewed by the proper authorities (immigration officials and office of the United Nations High Commissioner for Refugees) to determine if they were in fact political refugees. In July 111 Nicaraguans and in August 10 Nicaraguans were turned away at the border. The Constitution specifically prohibits the Government from repatriating any foreigner who may be subject to political persecution in his own country, and political

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asylum traditionally has been granted to exiled dissidents of various political orientations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Costa Rica is a democracy in which citizens choose their government through free, open, and competitive elections. The integrity of elections is ensured by the independent Supreme Electoral Tribunal, and election results are respected. The Legislative Assembly can and does reject executive branch initiatives. Citizens can and do petition their elected representatives for legislative redress and assistance with government bureaucracies. The ruling National Liberation Party and the opposition Social Christian Unity Party control 29 and 25 seats, respectively, in the 57-member Legislative Assembly. Two rival Communist parties, which freely participate in the political process, each hold one seat. An independent provincial party holds the remaining seat.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A 1984 Executive Order created the Ombudsman for Human Rights, under the Attorney General's office. Called the Defensoria Para Derechos Humanos, it hears complaints from individuals. There is also a similar office for complaints concerning the penitentiary system.

Costa Rica has traditionally been a strong supporter of international and private human rights organizations. The Inter-American Institute of Human Rights maintains its headquarters in San Jose. The Government has invited the Inter-American Human Rights Commission to visit the country whenever it wishes. Three nongovernmental groups monitor and report on human rights matters in Costa Rica: the Costa Rican Commission for Human Rights, the Commission for the Defense of Human Rights in Central America and the Family and Friends of Political Prisoners of Costa Rica.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Costa Rica's population includes some 26,000 Indians, most of whom live in traditional communities on 21 reserves which, in part because of their remote location, often lack access to schools, health care, electricity, and potable water. The Government is attempting to improve the quality of basic services in the Indian communities. Indians participate in the management of their own affairs through the National Indian Commission. Indian leaders continue to urge the Government to devote more resources to improving the welfare of the indigenous population.

The role of women, although still primarily domestic, is legally unrestricted. Women and men generally are paid equally for equal work. A law designed to supplement existing legislation against sex discrimination was introduced in the Legislative Assembly in August 1988, but it was not enacted. Physical abuse of women is prohibited by law but does occur. When reported, cases of physical abuse of women, including domestic violence, such as wife beating, are prosecuted and often result in stringent penalties, usually prison terms determined by the gravity of the crime. Abuse of female

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minors is considered aggravated assault. Neither the Government nor Costa Rican society tolerates violence against women. The Costa Rican press has reported a recent increase in the number of violent crimes against women and these reports have increased the awareness of Costa Ricans to the problem. There are a number of women advocacy groups in the country with various degrees of effectiveness. These groups monitor official and unofficial reports of abuse and provide counseling.

Costa Rica's population of 30,000 blacks, who reside largely on the Caribbean coast, enjoys full rights of citizenship as well as other rights and protections, including laws against all forms of racial discrimination. However, prejudice toward blacks and Indians, generally covert, still exists in some elements of the population. The Caribbean coast, with its large black minority population, suffers from a lower level of development than San Jose and the Central Valley. The consequent high unemployment in the region has resulted in labor and racial tensions.

Section 6 Worker Rights

a. The Right of Association

Costa Rica has ratified International Labor Organization (ILO) Convention 87 on Freedom of Association. Approximately 15 percent of the work force is organized, and there are several different trade union centrals in Costa Rica. Unions are independent of government control and are free to maintain relations with recognized international bodies such as the International Confederation of Free Trade Unions (ICFTU). The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the ICFTU, and other trade union organizations contend that the Solidarismo movement in the country, an alternative to traditional trade unionism, is an employer inspired and dominated "company union", supported by the Government as an alternative to independent trade unions. Leaders of the Solidarismo movement claim that it is a legitimate form of employee organization, and that Solidarismo organizations and their officials are prohibited by law from engaging in antitrade union activities.

At the ILO Committee on Freedom of Association (CFA) Conference in Geneva in June 1989, the ICFTU filed a formal complaint against the Government of Costa Rica, alleging that it supports the Solidarismo movement in violation of Convention 87. At its November 1989 meeting, the CFA noted that the Government had not supplied information requested by the Committee and adjourned consideration of the case until its next meeting in February 1990.

When labor disputes arise within the San Jose metropolitan area, the presiding judge of the Labor Tribunal attempts to negotiate a settlement. Labor inspectors from the Ministry of Labor handle disputes outside the capital. If conciliation fails, the case is referred to a labor court, which decides the legality of the strike. Unions have complained that this process is complicated, time-consuming, and often fruitless. Public sector strikes are illegal but occur with some frequency.

Strikes and labor unrest were at higher levels in 1989 than in the past year. Two of the most significant strikes were a doctors' strike and a general strike in the port city of

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Limon. In the former, the strike was declared illegal, but an agreement was reached under which no reprisals were to be taken against strike participants. In the latter, the strike was also declared illegal, but an agreement was reached with the Government providing for the lifting of the strike and subsequent negotiations, and for affected employers to decide individually whether or not to withhold the salaries of striking workers.

At its 1989 meeting, the ILO Committee of Experts (COE), recalling its previous complaints about the broad strike prohibitions in Costa Rican law, noted that provisions in the pending revision of the law are still too broad. The COE called on the Government to bring the latter provisions into conformance and enact the new law.

b. The Right to Organize and Bargain Collectively

Costa Rica has ratified ILO Convention 98 on the Right to Organize and Collective Bargaining. The right to organize is provided for in the Constitution. The commitments are observed in practice. However, there have been some allegations that the Government is unresponsive to charges of antiunion discrimination in the private sector.

In spite of guarantees in the 1943 labor code, many labor leaders claim that the statute is outdated and unjust. They cite in particular a clause which permits employers to fire workers for "any other grave fault" not specified elsewhere in the code as a mechanism used by management to fire would-be labor organizers. To date, this code has not been revised, although the Government has attempted to negotiate a mutually acceptable revision with representatives of both management and labor. In the report of its 1989 meeting, the COE noted that the pending revision of the labor code includes provisions providing for nondiscrimination and nonintervention vis-a-vis unions suggested by the ILO in 1981. The COE urged early enactment of the new code.

Labor regulations in Costa Rica's nine export processing zones do not differ from the rest of the economy, either in law or in practice.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there are no known instances of either.

d. Minimum Age for Employment of Children

The Constitution provides for special employment protection for women and minors and establishes the minimum working age at 12 years, with special regulations in force for workers under 15. The government child welfare agency, in cooperation with the Labor Ministry, is responsible for the enforcement of these provisions. Regulations concerning the employment of children are effectively enforced by the responsible government agencies.

e. Acceptable Conditions of Work

The Constitution defines the normal hours of the workday, remuneration of overtime, days of rest, and annual vacation

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rights. It specifies compensation for discharge without due cause, and the right to a minimum wage.

A national wage board, composed of three members each from government, management, and labor, sets minimum wages and salaries for all sectors. While violations sometimes occur, these wage and salary levels are generally respected. The minimum wage ranges from \$156 to \$391 per month, depending on occupational field. Workers at the low end of this wage scale often find it difficult to maintain a minimally decent standard of living. The minimum protection wage, which is set as the bare minimum a worker may receive, is currently \$5.20 per day.

Normal work hours are set at 8 hours for daytime and 6 hours for nighttime work, with weekly totals of 48 and 36 hours respectively. Ten-hour days are permitted for work not considered unhealthful or dangerous, but weekly totals may not exceed 48 hours. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work performed in excess of the daily work shift. Agricultural workers are not paid overtime if they voluntarily work beyond their normal hours.

A 1967 law governs health and safety at the workplace. This law requires that industrial, agricultural, and commercial firms with 10 or more workers must establish a management-labor committee. The law allows the Government to inspect workplaces and to fine employers for violations. However, there are too few labor inspectors, especially outside of San Jose, to ensure that minimum conditions of safety and sanitation are maintained.

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Cuba is a totalitarian state dominated by a single person, Fidel Castro, who is Chief of State, head of Government, leader of the Communist Party, and Commander-in-Chief of the Armed Forces. With support from a few long-time associates, President Castro exercises control over nearly all aspects of Cuban life through a network of directorates ultimately responsible to him through the Communist Party. The party is the only legal political entity and is headed by a self-perpetuating elite. All government positions, including judicial offices, are controlled by the party. Elections are held only to endorse party-approved candidates; there was one isolated exception in 1989 (see Section 3). Though not a formal requirement, party membership is a de facto prerequisite for high-level official positions and professional advancement in most areas.

The Ministry of Interior (MININT) is the principal organ of repression and of totalitarian control. It operates border and police forces, orchestrates public demonstrations, determines the legality of associations, investigates evidence of nonconformity, regulates migration, and maintains pervasive vigilance through a series of mass organizations and informers. The Ministry underwent structural reorganization in 1989 and is now under de facto control of the Revolutionary Armed Forces (FAR). The mass organizations attempt to extend government and Communist Party control over each citizen's daily activities at home, work, and school. Citizens are exhorted to ensure ideological conformity and to report deviation.

The Cuban economy is highly centralized and managed by a group of advisors close to President Castro. The Government controls the means of production and is virtually the country's sole employer. In the late 1970's, Cuba began to use market mechanisms, but in 1986 the Government reversed course and began the ongoing "rectification of errors" campaign. It sought to stamp out an emerging informal private sector while promoting antimaterialist "socialist morality." The abandonment of the liberalization program in favor of more orthodox Communist policies has played a major role in the Cuban economy's recent stagnation. In 1989 this campaign of Marxist economic orthodoxy caused sharp conflicts with Cuba's reform-minded socialist trading partners.

Cubans do not possess equal protection under the law, the right to freely choose government representatives, freedom of expression, freedom of peaceful assembly and association, or freedom to travel to and from Cuba without restriction. There is no independent judiciary, due process safeguards can be and are constitutionally circumvented, and defense attorneys face severe disadvantages under the judicial system. Aside from the churches, which themselves are monitored by the party, there is virtually no institutional autonomy in Cuban society. All media are Government-owned and remain under tight control, and the practice of religion continues to be discouraged. Government efforts to monopolize control over many aspects of life remain very intrusive.

The human rights situation in 1989 worsened significantly from the previous year. The Government stepped up repression in marked contrast to the limited relaxation effected in 1988. During the year the Government cracked down on human rights groups, executed four uniformed officers without a fair trial, and denied internationally recognized human rights monitors

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permission to attend a trial of three human rights leaders. Efforts by the United Nations Secretary General to implement a U.N. Human Rights Commission (UNHRC) resolution to follow up on reported abuses in Cuba had by year's end produced little response from the Cuban Government. The only positive carryovers from 1988 into 1989 included continued releases of political prisoners, permission for the International Committee of the Red Cross (ICRC) to again interview political prisoners, and the slight expansion of the 1988 exceptions granted to the churches.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

FAR General Arnaldo Ochoa, MININT Colonel Antonio De la Guardia, MININT Major Amado Padron, and FAR Captain Jorge Martinez were executed by firing squad on July 13 following a show trial (see Section 1.e.). Although the full story behind the Ochoa/De la Guardia case is still unclear, there are circumstantial indications that political motivation may have played a part in making Ochoa the key figure in the case and in sentencing him and three others to death.

Although not politically motivated, there have been some reports of police officers engaging in unjustified use of lethal force. In one such example, police investigating a petty theft killed a Havana youth, Elisco Canada Coffiguez, in June, and in another Julian Cela Cuellar was reportedly shot to death in Havana on July 8, for allegedly verbally abusing an arresting officer who was breaking up a street fight.

b. Disappearance

There were no credible reports of politically motivated disappearances in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reliable reports of prisoner abuse and beatings rose in 1989, with a severity in some cases amounting to torture. There was no indication that Cuban authorities undertook investigations or disciplinary actions in response to charges of such abuse. Punishment cells remain in regular use for disciplining inmates, in violation of international norms. Rodolfo Frometa and Angel Donato Martinez, two "nuevos plantados" (new prisoners who refuse prison "reeducation"), reportedly were held incommunicado in punishment cells in Combinado del Este Penitentiary for more than 1 year from 1988 to 1989. In January there were multiple allegations that guards had beaten and placed in isolation cells several prisoners in Combinado del Este during a protest by the so-called *lancheros* (persons arrested for illegal attempts to leave the country).

Cuban Human Rights Party activist David Moya was severely beaten in a Pinar del Rio prison for organizing protests against prisoner mistreatment, according to the Cuban Human Rights Party and his own reports smuggled out in August. The beating and use of electric prods on 11 Combinado del Este inmates in December 1988 reportedly resulted in two prisoners being treated for cranial fractures. The prisoners were

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protesting the removal of a political prisoner to a prison for common criminals. In March and August, dozens of Combinado del Este inmates engaged in hunger strikes and smuggled out written denunciations of the conditions of their confinement; these protests reportedly resulted in several severe beatings and frequent confinement in punishment cells.

Several charges of confinement of political prisoners in psychiatric hospitals were reported in 1989. Four dissidents were confined in psychiatric hospitals, ostensibly for evaluation, for periods ranging from a few days to several weeks. None of the four reported mistreatment during their hospital stays. One, Julio Soto Angurel, leader of the Jose Marti Council of Independent Defenders of Human Rights and National Reconciliation, remained at year's end in the Havana Psychiatric Hospital, where he was confined after his arrest on October 8.

Following his release in 1989, Cuban Human Rights Committee member Jesus Leyva Guerra reported that security police detained him in July 1988 and then transferred him to the prison ward of the Gustavo Machin Psychiatric Hospital in Santiago de Cuba. Leyva said he was forced to undergo psychiatric "treatment" and, after he began a hunger strike, was subjected to electroshock six times.

With a sharp drop-off in the number of outside groups permitted to visit Cuban prisons in 1989, it was far more difficult to appraise current conditions. Physical improvements in prison conditions, such as in ventilation and sanitation, that were made in 1988 before visits by international human rights groups, apparently were largely maintained but not expanded during 1989. Local human rights monitors assert that punishment cells in provincial jails featured harsher conditions of confinement.

Political prisoners released in 1989 claimed that, while conditions remained the same for those incarcerated for political offenses, mistreatment of common prisoners increased during the year. There were reports of beatings of prisoners incarcerated for attempting to leave Cuba without government permission. These prisoners, who are treated as common criminals, were protesting the Government's refusal to recognize them as political prisoners. Reports smuggled out of the prisons indicate, however, that political reeducation of prisoners has become essentially voluntary since 1988; therefore, prisoner protests have largely centered on general prison conditions.

Local human rights monitors reported a notable rise in incidents of alleged police brutality by arresting officers, often in situations involving minor offenses. These included the shooting of Edel Guerrero Licea and Hidelberto Figuerado in Palma Soriano at a religious festival in December 1988, the August 16 shooting of Iran Sanchez Hernandez (who was attempting an illegal departure from the island), and the shootings of a Havana youth for "resisting arrest," and a 16-year-old after a traffic infraction. In none of these cases has there been any indication that any police official was investigated or punished for such actions. Two other incidents ended in death (see Section 1.a.).

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d. Arbitrary Arrest, Detention, or Exile

Article 245 of the Cuban Law of Penal Procedure requires police to file formal charges and either to release a detainee or place him at the disposition of a prosecutor within 96 hours. Authorities are also required to provide suspects with a defense attorney within 10 days of arrest. Despite some signs that authorities were more concerned to follow legal forms, Cuban procedural rights related to arrest continue to be widely denied. Article 61 of the Constitution permits denial of all recognized civil liberties in the case of anyone actively opposing the "decision of the Cuban people to build socialism." This article is implicitly invoked by Cuban authorities who, in the past, justified lengthy detentions of dissidents by characterizing them as "counterrevolutionary elements."

Arbitrary arrests and prolonged detentions without trial of dissidents increased in late 1988 and continued through 1989. At least 18 such arrests, followed by prolonged detentions, of dissidents took place in the weeks following the September 1988 UNHRC visit. Since then, a total of approximately 50 dissidents have been subjected to punitive actions ranging from threats, harassment, and beatings to detentions and imprisonment. Cuban authorities used brief detentions ranging from several hours to several days to intimidate dissidents without formally charging them.

For example, seven members of the Free Art Association (APAL) were detained for months before being charged and brought to trial in September 1989. Lazaro Cabrera Puente, Pablo Pupo Sanchez, Juan Garcia Cruz, Gilberto Plasencia, and Ramon Obregon had been detained since October 1988. Carlos Novoa and Jose Mari Becerra had been arrested in January. Amnesty International (AI) reported that Novoa had gone on a 59-day hunger strike beginning in May to demand that he be charged and brought to trial.

Elizardo Sanchez (President of the Cuban Commission for Human Rights and National Reconciliation), Hiram Abi Cobas (head of the Cuban Human Rights Party), and Hubert Jerez (head of the Marti Committee for Human Rights) were arrested on August 6 for "disseminating false information" concerning the trial of General Ochoa (see Section 1.e.). Following their arrests, the human rights leaders were confined in the Villa Marista detention center for about 6 weeks before being transferred to Combinado del Este prison. According to Sanchez, while in Villa Marista they were each held in solitary confinement inside windowless 10 foot by 3 foot isolation cells that were brightly illuminated 24 hours a day for 36 days prior to their November 17 trial.

Orlando Polo, leader of the "Green Path" ecological-pacifist group, was arrested three times in August and September and held without being charged for 1 week in the Villa Marista detention center and for 2 weeks in the Havana Psychiatric Hospital. In Villa Marista, Polo was interrogated about unspecified charges without the benefit of an attorney.

Several more activists continued to be held at year's end without charges. Enrique Acosta Ruiz, Sergio De la Vega Gomez, and Lazaro Rosa Arbolez were arrested in April. Esteban Gonzalez, Manuel Pozo and two other members of the Pro-Amnesty Committee, a group calling for the release of political prisoners, were arrested in September. Cuban Human

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Rights Party activist Edita Cruz was taken into custody in November. Altogether, over 25 arrested or detained activists were still imprisoned or held without being charged at year's end.

Reliable reports indicated that some prisons were filling up again in 1989 after the Government reportedly released over 8,000 criminal offenders in 1988 under the new penal code. In 1989 the authorities began a massive and sustained campaign to prosecute economic offenders, and this may be adding to the prison population. Reports from inside prisons indicate that the number of offenders incarcerated for attempted illegal departures increased in 1989 although prison sentences for the offense remained moderate by Cuban standards. In 1988, especially in the months leading up to the visit of the UNHRC's Cuba Working Group, many persons arrested for illegal departure attempts from the island were not jailed but were fined and released with a severe warning.

Precise numbers of political prisoners in Cuban jails are difficult to determine because of the release of hundreds of prisoners over the last 2 years, differences in definitions of political prisoners, and the Government's traditional secrecy about the prison population. Current estimates of the number of Cuban political prisoners range from Americas Watch's (AW) January 1989 estimate of "several score additional Cubans to possibly as many as a few hundred" to the Cuban human rights activists's claims of many more. In March 1988, the Government stated that there were 455 persons imprisoned for crimes against state security, a category which now does not include offenses such as illegal departure, contempt, and offenses related to the practice of a religion, such as conscientious objection. Another indication of the prisoner population came from the ICRC, which reported that its delegation in May visited 257 prisoners, including some convicted of illegal departure, in 10 Cuban detention centers including the Havana Psychiatric Hospital.

During the year Cuban authorities continued to release selected political prisoners, including some on the condition that they immediately emigrate to the United States. According to U.S. press reports, the Government notified the U.S. Catholic Conference in November 1988 that it would free 225 political prisoners, including 44 it had previously labeled as too dangerous to release. Cuban authorities subsequently did not release the entire group, although at least 8 of the 44 "dangerous" prisoners, including "plantado historico" Alberto Grau, were freed in 1989. There are three remaining "plantados historicos" (long-term political prisoners who have refused "reeducation") still in prison. Alfredo Mustelier, one of these three who has served 20 years of his 25-year sentence, claims that he should be released under retroactive provisions of the 1988 Penal Code. He undertook two lengthy hunger strikes in 1989 to protest his continued incarceration and was gravely ill in December. The U.N. Secretary General, members of the U.S. Congress, and many nongovernmental organizations have asked President Castro to review the cases of Mustelier and the other two "plantados historicos."

Many human rights activists were arrested on April 3 in order to forestall their planned demonstration at the Soviet Embassy during the visit of President Gorbachev. The demonstrators, who wanted to call for support of "glasnost" within Cuba, received sentences ranging from 3 to 9 months.

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The Cuban Penal Code retains internal exile as a sanction against convicted offenders, but no instances of forced removal or resettlement were reported in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Cuban law and trial practices do not meet international standards for fair and impartial public trials. The Constitution terms the courts independent, yet it explicitly subordinates them to the National Assembly and the Council of State (Article 122). Judges are elected by the rubberstamp National Assembly and its lower level counterparts. The independence of the judiciary is compromised by the de facto subordination of the courts to the Communist Party: there is no known case in which a Cuban court has successfully ruled against the Government on any political or security matter.

Civil courts exist at three levels--municipal, provincial, and the Supreme Court. All civil courts are presided over by panels composed of a mixture of professionally prepared judges and lay judges. There is also a system of military tribunals which tries certain counterrevolutionary activity cases. Defendants have a general right of appeal at the municipal level and a conditional right at the provincial level. Cases involving maximum prison terms or the death penalty are always open to appeal. The Law of Penal Procedure provides that an appeal must be presented within 5 days.

The revised Penal Code (Law No. 62) implemented in 1988 reduced the number of capital offenses and the length of sentences in some cases. The new code did not, however, significantly modify the previous definition of political offenses, the punishment meted out for them, or due process provisions for accused political offenders. Under provisions of the revised code, defense lawyers may be excluded until an investigation is completed, and attempted illegal departure from Cuba remains punishable by up to 3 years' imprisonment or a fine of up to approximately \$1,000.

Political offenses, which prevent virtually any form of free expression, remained unchanged in the revised penal code, which retained the concept of "dangerousness" (Articles 72-89) and vaguely defined it as "the special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of Socialist norms." If the police determine a person is exhibiting such behavior, the offender can be brought before a court which may apply police surveillance, reeducation, or therapy lasting for from 1 to 4 years. In 1989 as in 1988, the concept of "dangerousness" appears to have been invoked rarely, if at all.

Cuban evidentiary practices do not meet generally recognized international standards. A trial for political offenses ordinarily consists of evidence given by the prosecution's witnesses, who are generally employees of state security organs. In some cases, the only evidence is the defendant's confession, obtained without due process safeguards against self-incrimination or coercion. There are usually no defense witnesses, although testimony on behalf of the defendant from a member of a Committee for the Defense of the Revolution (see Section 1.f.) may be introduced and may contribute to a reduced sentence.

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Cuban law provides an accused the right to a defense attorney, but the latter's impartiality and independence are compromised by the absence of a private bar association and by ideological controls exerted over members of the state-controlled lawyers' collectives, especially in defending persons accused of crimes against state security. When the legal collectives were reorganized in 1984, some 15 percent of then-active attorneys, including many active in political cases, were denied readmission and thus effectively disbarred. Government-appointed defense attorneys generally are poorly prepared and unsympathetic towards the defendant. In 1988 the visiting New York City Bar Association delegation observed Cuban trials for common crimes and found the counsel ill-prepared and unaggressive. Typically, defendants and lawyers are afforded little time together; in some cases, former political prisoners have asserted, clients see their counsel only one hour before trial. Others are unable to meet at all with their attorneys.

Observers have noted a reluctance among attorneys to defend persons charged with political offenses. Lawyers are discouraged from taking political cases because of persecution suffered by those who do. Domingo Jorge Delgado, for example, was freed in 1988 and allowed to emigrate to the United States in 1989, after serving 8 years in prison following his defense of a group of persons who had attempted to seek political asylum. Former political prisoners have alleged that state security officials apply pressure on all persons involved in the judicial process, and that those officials, not the courts, really decide the fate of the detainee.

Several prominent cases of dissidents illustrate how the Cuban judicial system works in practice:

Samuel Martinez Lara, Secretary General of the Cuban Human Rights Party, was sentenced on April 7 to 9 months in prison. Martinez, David Moya, Roberto Bahamonde, and two other members of the Cuban Human Rights Party were arrested on April 3 for announcing a demonstration, which was to call for "glasnost" in Cuba, outside the Soviet Embassy during Soviet leader Gorbachev's visit. All were held incommunicado until their closed trial 3 days later where, without defense attorneys present, they were convicted of "illegal association." Moya received a sentence of 9 months and Bahamonde a sentence of 3 months in prison. In a June 1989 report, AI criticized the trials of Bahamonde, Martinez, Moya, and six other imprisoned members of the Cuban Human Rights Party, stating that they were punished because of their peaceful political and human rights activities and that procedures in their trials did not conform to international standards for fair trial.

Bahamonde's and Moya's sentences were subsequently extended without any semblance of due process. Two months into his prison sentence on June 9, Bahamonde was sentenced to an additional year for "illegal economic activities." According to a letter smuggled out of prison, Moya was found guilty of "contempt" at a courtroom set up in a prison dining room in September and sentenced to a further year in prison. Martinez was not released upon completion of his sentence on January 4, 1990.

General Ochoa and 14 other top military and security officials received few due process safeguards at their highly publicized trial in June and July. Drug trafficking and other serious charges were leveled against them first in the official press

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and then in 2 weeks of show trials. The proceedings were influenced by the publicly stated views of President Castro and the presentation before the military tribunal by Minister of Defense Raul Castro, as well as official media comments about the guilt of the accused. Defense lawyers for the accused had little time to prepare an adequate defense, received little court time compared to the prosecutor, and apparently at no time did other than to ask for clemency. The accused were sentenced on July 7, their appeal was quickly rejected on July 9, and the Council of State confirmed the death sentences of Ochoa and three other defendants, which were carried out later the same day. AI, AW, and the Inter-American Commission on Human Rights (IACHR) condemned the trial's procedures and its swift aftermath.

In mid-1989, defense lawyers in two prominent cases involving human rights activists described below were given greater pretrial access to their clients than was available in previous years. In neither instance, however, was the outcome of the case notably altered in favor of the defendants as a result of these opportunities for more extensive consultations.

Prior to the trial of seven APAL dissidents in September, some defendants, including Carlos Novoa and Pablo Pupo Sanchez, were released on bail and allowed regular consultations with their attorneys. After a trial heavily laden with political invective, according to eyewitnesses, the seven activists received harsh prison sentences ranging from 9 to 21 months on charges of "continued illegal association," "failure to report a crime," and, in one case, "possession of a firearm." In the case of defendant Juan Enrique Garcia, his attorney had excused himself one day prior to the September trial because the date allegedly conflicted with his vacation.

In November Elizardo Sanchez and two other human rights leaders were tried publicly for "spreading false information" on the Ochoa affair; representatives of AW and AI were not permitted to enter Cuba to attend. Likewise, the Government did not allow two U.S. journalists to appear as witnesses for the defense. Two foreign diplomats were allowed to attend the proceedings. All three defendants were granted the right to defense attorneys, but pretrial consultations were limited. At the trial, the accused were allowed to speak freely in their own defense. Although the prosecutor requested the maximum sentence (4 years) for Sanchez, he was sentenced to 2 years and the other 2 defendants were given 18 months each.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Official intrusion into private and family affairs remains one of the most repressive and pervasive features of Cuban life. Government or Communist Party-directed mass organizations permeate Cuban society. The State has assumed a virtual right of interference, even for those who do not actively oppose the Government and its practices. Beyond promoting ideological conformity, many of these intrusions are ostensibly aimed at "improvement" of the citizenry.

The extensive apparatus of the MININT decides on the legality of all private and public associations, and utilizes an intricate system of informers, block wardens, and block committees (Committees for the Defense of the Revolution - CDR) to monitor and control public opinion. Police searches are at times carried out without warrants, as occurred in the

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homes of several human rights activists in 1989. Authorities were more careful than in the past to observe the appearance of respect for the rights of those suspected of dissent, but Cuban courts automatically issue warrants in security cases, thus rendering this procedural safeguard meaningless.

The authorities possess a wide range of social controls. For example, the educational system teaches that the State's interests have precedence over all other ties and commitments. Teachers, selected in part for their ideological commitment, espouse Communist Party doctrine and can sanction students whose families question orthodox opinion. Teachers also evaluate the political and ideological character of their students, which is noted in records carried with each student throughout his or her education. Cubans are also pressured to join a variety of mass organizations, including the Union of Young Communists, despite the supposedly voluntary nature of these groups. Outstanding students or workers, according to reliable reports, often find themselves coerced into membership in such mass organizations.

CDR's are neighborhood surveillance/security committees tasked with closely monitoring the daily lives of individual residents. Participation in Cuba's 80,000 CDR's is in practice involuntary in urban areas. The Government in 1988 announced the elimination of one CDR report on the beliefs of citizens, but there is little evidence that this change significantly altered the role of the CDR's as guardians of social conformity. CDR's apparently continue to report suspicious activities, such as contact with foreigners, reception of foreign broadcasting in the home, conspicuous consumption, unauthorized meetings, and criticism of the Government. CDR activity, if anything, increased in 1989 as the Government undertook a massive campaign aimed at corruption and petty economic offenses.

Former political prisoners are often subjected to discriminatory treatment and are relegated to menial, intermittently available work, no matter what their education or experience. Their children may be harassed in schools and sometimes barred from higher or even technical education. There was evidence that this discrimination abated in recent years and that authorities were attempting to prevent the grosser forms of discrimination from being exercised against departing immigrants as well. Human rights activists report frequent incidents of threats and harassment by government officials. Cubans have no right to receive publications from abroad and can expect all correspondence with foreign countries to be carefully monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Cuban authorities continue to place very extensive checks and controls on freedom of expression. The Government does not allow direct criticism of the "Revolution," e.g. the basic policies and Marxist-Leninist orientation of the Government, party or leadership. Laws are enforced against antigovernment "propaganda," antigovernment graffiti, and slander or insults against government officials. Local CDR's monitor and report on expressions of dissent or criticism.

The electronic and print media are owned by the State or party-controlled organizations and operate according to party

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guidelines. No public forum exists for airing one's views apart from the government-controlled media. In 1989 as in previous years, the Government used the media as a vehicle to indoctrinate the population. Cuban media content reflected government views of events and stories tend to congratulate the Government for internal successes, primarily economic ones. By comparison, Cuban media coverage of Eastern European developments was terse but straightforward.

In 1989, the Government moved to shut down new dissident efforts to publish independent newsletters. Thirteen members of the Cuban Human Rights Party were arrested for printing and distributing several issues of its new bulletin *Franqueza* (Openness). Manuel Gonzalez, Manuel Gonzalez, Sr., and Iris Perez received prison sentences ranging from 6 months to 1 year for producing *Franqueza*. Copies of a second, unsigned dissident newsletter, *El Lente* (The Lens), appeared sporadically during the year.

Cuban censorship of foreign media in 1989 expanded to include reform-minded Soviet publications. In August the Cuban party leadership announced it was removing two Soviet journals, *Sputnik* and *Moscow News*, from circulation. The Cuban Communist Party newspaper *Granma* justified the journals' ban from circulation by citing their "negative consequences" among the Cuban populace. Periodicals from non-Communist countries are not available to the general public, and foreign broadcasts, apart from U.S.-based *Radio Marti*, are not heard by significant numbers of people.

The Government extended its intimidation to the foreign press on several occasions in 1989. A group of U.S. journalists covering the July 26th celebrations reported being warned that foreign journalists who visit Cuban dissidents or who report about them could jeopardize their stay in Cuba and issuance of future visas. The Reuters correspondent in Havana was expelled from Cuba in July for publishing a report the Government found unacceptable.

Artistic and literary freedom are circumscribed by government control. Party and government officials carefully scrutinize humor and irony in the arts. In 1989 one art exhibition containing pictures which unflatteringly portrayed President Castro was closed. A Vice Minister of Culture barred from public display a painting which depicted Castro speaking to a crowd whose faces were all identical to his.

Academic freedom is severely limited. Education is the exclusive prerogative of the State, and the school system follows Marxist-Leninist precepts as interpreted by government guidelines. Academics can write freely so long as their work does not conflict with any government or party policy.

b. Freedom of Peaceful Assembly and Association

The Constitution does not provide for freedom of assembly or association. Any assembly of more than three persons even in a private home is punishable by up to 3 months in prison and a fine. Organizers of "illicit or unrecognized groups" can receive a sentence of up to 9 months (Article 240 of the Penal Code).

There was no known instance in 1989 of authorities approving any public meeting by a group not recognized by the Government. On the contrary, the Government continued its crackdown

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begun in October 1988 on dissidents seeking to hold meetings or to organize demonstrations. During Soviet leader Gorbachev's visit to Havana in April, at least 21 activists were arrested in connection with a planned demonstration. Four Cuban Human Rights Party members received sentences of from 3 to 9 months for "planning an illegal gathering" (see Section 1.e.).

Article 208 of the Penal Code prohibits "illegal or unrecognized groups." The Ministry of Justice, in consultation with the MININT, determines the legality of all organizations. Apart from "recognized" churches and one or two groups such as the Masonic Order which are carefully monitored by authorities, the small, unrecognized, and thus illegal human rights groups represent the only associations independent of the State and the party. The authorities continued to ignore the applications for legal recognition made by the Cuban Commission for Human Rights and National Reconciliation and the Cuban Human Rights Committee over the past 3 years.

Cuban citizens are expected to join party-controlled mass organizations, such as the CDR's, the Confederation of Cuban Workers, the Federation of Cuban Women, and the Union of Communist Youth. Resisting membership makes persons subject to a range of unofficial sanctions.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government places restrictions on the practice of religion and discriminates against believers, despite the Constitution's recognition of the rights of citizens to profess and practice any religious belief. Religious believers are excluded from membership in the Communist Party and thus from almost all executive and leadership positions, including posts in the Government, the courts, and the teaching profession. Persons who publicly profess their religious beliefs may be subject to informal discrimination in the workplace and through social pressures on their children in school. Practicing Catholics, for instance, have a difficult time getting more desirable jobs or being admitted into certain fields of study.

Fidel Castro and other Cuban officials have publicly admitted that religious discrimination exists, although they claimed it was not authorized. Indeed, there has been a perceived slight relaxation of official attitudes toward religion which contributed to modest increases in both church attendance and baptisms. Catholic Church officials noted in 1989 a growing number of youths willing publicly to profess their faith.

The Government and Communist Party continued to maintain restrictions and controls on the activities of organized churches. Churches and other religious groups must register with the Government and be "recognized." Recognized faiths customarily are permitted to hold religious activities only within specifically designated places of worship, but permission was granted for services in prisons and some health care institutions in 1989. Many Catholic and Protestant churches have closed, and new construction has been restricted since the Revolution. Four Protestant and two Catholic seminaries are allowed to operate, but no other formal

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religious training schools are permitted. Atheism is taught by youth organizations. Churches have no access to official mass media. The observance of religious holidays is difficult, and most traditional processions are prohibited. Christmas is a normal workday.

Despite these restrictions, relations between the Government and recognized churches have improved since the mid-1980's. In 1989 the Government demonstrated a greater willingness to establish a dialogue with church leaders, and President Castro welcomed the prospect of a future papal visit to Cuba. The Government slightly expanded the ad hoc exceptions it granted in 1988 to recognized churches: admission of foreign clergy to work in Cuba, greater tolerance for religious instruction, freedom for clergy to travel abroad, permission for the importation of increased quantities of Bibles, and freedom to hold conventions. While churches have been granted exceptions, they have not been conceded "rights".

Since April, clergy have been allowed to visit prisoners who have requested their services. The Catholic Church established telex links among its diocesan offices and with church officials overseas as authorized by the Government in 1988. The Seventh-Day Adventist church held a national congress in Cuba, and foreign Adventist officials were permitted to attend in their official capacity. The small Jewish community was again allowed to import religious materials, and kosher food and wine. Cuban authorities, while clamping down on other unauthorized publications in 1989, continued to permit limited circulation of an independent newsletter published by a Catholic layman. The Government allowed access to construction materials needed to rebuild some existing churches, but provincial and local officials have opposed certain restoration projects. In December 1988 in Palma Soriana, a parish priest, with the help of his congregation, succeeded in restoring and reopening a small chapel. Local party officials organized a mob to break up the inaugural service. When the priest managed to defuse the protest by leading the crowds outside the church in the national anthem, he was detained by police for "proselytizing and holding a service in public" and released hours later only after vigorous public protest.

Members of certain faiths have suffered active persecution. Human rights monitors reported several cases of Jehovah's Witnesses arrested for illegal meetings and possession of clandestine publications (i.e., Jehovah's Witnesses tracts) in 1989, including the cases of Ursulo Brito and Samuel Camacho Hernandez (sentenced to 6 months in prison), and of Eloy Ramos Gonzalez (sentenced to 1 year). In April police reportedly infiltrated a Jehovah's Witnesses prayer meeting in Suri and staged a raid on the home of Felipe Bofill where prayers were being offered for Bofill's gravely ill son. Several persons were arrested, tried, and convicted of charges of "illegal meeting and possession of clandestine printing."

Other religious groups also suffer such repression; in a raid in December 1988 reported by the Cuban Human Rights Committee, the home of Baptist pastor Eliejar Samado Cazavus of Granma was ransacked and religious literature confiscated. Samado subsequently lost his job and was forced to rely on small donations from his congregation to support his family.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal restrictions on domestic travel, but Cuban citizens require permission both to leave and to reenter Cuba. Opportunities for nonofficial foreign travel are severely restricted, limited generally to elderly pensioners, church officials, and special humanitarian cases for serious family illness or death.

Cuban authorities strictly control emigration but in 1989 again permitted several thousand persons, including hundreds of former political prisoners, to leave the country permanently with no right of return. Draft-age males were generally not allowed to depart. During 1989 the Government continued to deny, without any explanation, exit permission to some persons and their immediate families who had already been accepted into immigration and refugee admissions programs of other countries. For example, the Government has repeatedly refused exit permission to Sebastian Arcos Cazabon, the son of human rights leader Sebastian Arcos Bergnes..

It is a crime to leave the country without authorization. Persons who attempt to flee on small boats or inner tubes face sanctions ranging from fines to 3 years' imprisonment. The number of persons convicted of "illegal" departure reportedly rose sharply in 1989 (see Section 1.e.). Discrimination against intending legal emigrants lessened in 1989, although extricating a family from the web of state employment, housing, and education remains a complex and often frustrating process. Once emigration formalities are completed, all family possessions and property go to the State unless immediate relatives are able to take possession.

Cubans traveling as emigrants or refugees to other countries have no right to return for a visit or repatriation. The Government continued to restrict the number of persons of Cuban origin from the United States permitted to visit their families in Cuba to 50 persons per week under a worldwide quota of 5,000 per year. Persons who came to the United States in the Mariel boatlift were routinely denied repatriation and the Cuban Government allowed no more than 10 of them per week to visit Cuba. Entry into Cuba by Cuban Americans was suspended entirely for the last quarter of 1989. The Government reduced to \$250 per trip the amount of currency visiting expatriates can bring to family members in Cuba.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Cuban citizens have no legal right to seek to change their government or even to advocate this right. The only political organization allowed in Cuba is the Communist Party. The overlapping party and state hierarchy has remained largely unchanged for 30 years. Members of the highest governing bodies, the Politburo and the Central Committee, are selected by a small group of party leaders. Although direct elections are held to fill municipal offices, the provincial assemblies and the National Assembly are elected indirectly. Only the party and its affiliated mass organizations have the right to distribute political materials or to organize electoral meetings. All candidates must, in effect, be approved by the Communist Party. In March, dissident Roberto Bahamonde challenged the system and ran against the Communist Party

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candidate for a municipal assembly seat in Havana. Bahamonde lost and was imprisoned on other charges several weeks later (see Sections 1.d. and 1.e.).

In December 1988, 163 European and American intellectuals joined Cuban expatriates in signing an open letter calling for a plebiscite on Fidel Castro's rule, following the October 1988 example of Chile. One month earlier, the Cuban Human Rights Party had advocated a plebiscite on whether to repeal the Constitution and convoke a constituent assembly. Government officials rejected the call for a plebiscite and called the comparison with Chile "absurd."

In 1989 Fidel Castro distanced Cuba from democratizing trends sweeping through the U.S.S.R. and Eastern Europe, rationalizing his continued unwillingness to allow greater opportunities for Cuban citizens to participate freely in the political system.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights monitors are legally unrecognized and lead a precarious existence dependent upon the vagaries of government policy. The Government continued, in violation of its own statutes, to refuse to recognize the applications for legalization submitted in 1988 and 1989 by several such groups (see Section 2.b.). In its 1988/89 Annual Report, the IACHR called on the Government to recognize human rights associations and their right to engage in their activities freely. The three principal domestic human rights monitoring groups are the Cuban Human Rights Committee (CCPDH), the Cuban Human Rights Party (PPDHC) and the Cuban Commission for Human Rights and National Reconciliation (CCDHRN). There is a host of smaller human rights-related groups, most notably the Free Art Association (APAL) and the Marti Committee for Human Rights, which appeared in 1988. In February 1989, the PPDHC, CCDHRN, and Marti Committee for Human Rights banded together under an umbrella group, the Coordinator of Human Rights Organizations.

The Government's stepped-up crackdown on Cuba's human rights movement was the most significant development in the country's human rights situation in 1989. Official policy changed from increasing limited tolerance through mid-1988 to repression after the September 1988 visit of the UNHRC Cuba Working Group. Since then, the Government has taken or fabricated opportunities to harass, detain, or imprison approximately 50 activists and has, in effect, silenced many of its leading domestic critics. Some of the arrested activists had presented testimony to the UNHRC Cuba Working Group, although their arrests were officially for alleged actions unconnected with their testimony. The UNHRC delegation was assured by Cuban authorities that the witnesses would not suffer reprisals for their testimony. About 25 of those activists arrested or detained, including the leaders of four of the five human rights groups named above, remained imprisoned or held without charge at year's end (see Section 1.d.).

The atmosphere of increased openness leading up to the UNHRC's visit led some human rights activists to attempt to exercise what they viewed as their rights to peaceful assembly and speech. The Government responded with the pattern of arrests, swiftly staged trials, and misdemeanor convictions which began

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with the October 1988 arrest of six APAL activists and the November 1988 arrest of PPDHC leader Tania Diaz Castro.

In 1989 the Government further clamped down as activists continued to test the limits of its tolerance by circulating petitions and underground publications and, in one case, trying to organize a demonstration. Cuban authorities appeared to follow legal procedures more scrupulously, but imposed harsher punishments. Elizardo Sanchez's 2-year prison term was the harshest sentence meted out to a human rights activists in several years (see Section 1.e. for details on dissident trials). Extralegal harassment continued as well. Several human rights activists were beaten by thugs and at least eight others were arrested during a November 12 mass; incorrect rumors had circulated that prayers would be said at the mass to support hunger striking political prisoner Alfredo Mustelier. By the close of 1989, members of the human rights movement who were not in jail had reduced their public activities because of government repression.

The ICRC was the only monitoring group which visited Cuba in 1989. Cuban authorities permitted the ICRC to make a second annual visit to prisons and to monitor conditions of inmates. The ICRC, whose findings are strictly confidential, did report that its delegation interviewed 257 prisoners in 10 detention centers, including the Havana Psychiatric Hospital. The Government denied permission to representatives from AW and AI to attend the trial of human rights leader Elizardo Sanchez.

Following its September 1988 visit, the UNHRC Cuba Working Group submitted a 400-page report to its parent commission in February 1989. The report detailed extensive human rights abuses by Cuba and noted numerous outstanding questions posed by the Working Group which Cuban authorities had failed to answer. The UNHRC, at its 1989 session, passed a resolution charging the U.N. Secretary General to maintain a dialogue with the Cuban Government in order to follow up on outstanding issues in the Working Group's report. Cuban authorities (who, under international pressure in 1988, had invited the Working Group to visit) made it clear in their 1989 public statements that, notwithstanding the content of the report, they considered international attention to Cuban human rights practices to be a closed chapter.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Cuba is a multiracial society with a large population of persons with mixed racial ancestry. The Constitution expressly forbids discrimination on the basis of race, sex, or national origin, and there were no known incidents of direct racial or sexual discrimination in 1989. The Family Code of 1975 equalized pay scales, eliminated sexual discrimination in promotions, provided generous maternity leave, and gave employed women preferential access to goods and services. Public or official expressions of racial discrimination or prejudice are rare. The official women's organization, the Federation of Cuban Women, is used to mobilize women politically rather than to advocate women's rights exclusively.

There are no official data available on the incidence of violence against women. Neither the Government nor society condone such violence. Cuban law establishes strict penalties for sexual abuse or rape of women, including the death penalty for the rape of minors or serious injury to the victim. The

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Penal Code also provides lesser sanctions for sexual coercion of women by authorities or guardians. These statutes appear to be enforced with typical severity by the authorities, although sexual crimes are never reported in the press. Anecdotal evidence from human rights groups and other sources indicates that domestic violence such as wife beating is a problem, but a lack of statistical data makes it impossible to gauge its true extent. Due to societal traditions many victims of abuse are reluctant to file a report or to press charges, so it is likely that cases of violence are significantly underreported. Women complain of verbal harassment in public and expected subordination at home.

Section 6 Worker Rights

a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment; the decision and choices of workers are subordinate to the "demands of the economy and society" (Article 44). Strikes are not permitted under the law. Established Cuban labor organizations are not trade unions in any real sense and do not act as a voice for workers' rights, including the right to strike. Labor is organized under the control of the State and party through one umbrella group, the Confederation of Cuban Workers (CTC). The CTC is affiliated with the Communist-controlled World Federation of Trade Unions and its regional organization, the Permanent Congress of Trade Union Unity of Latin America (CPUSTAL). The CTC serves primarily as an instrument of the State to enforce political and labor discipline, to encourage productivity, to hold down labor costs, and to save raw materials. Some CTC member labor organizations have served as debating forums for the consideration of a limited range of labor issues such as worker safety and local working conditions.

The right to form an independent union is prohibited and even discussion of such a step has been subject to punishment. Despite increased repression of many dissident groups in 1989, however, several embryonic labor organizing groups appeared and discussed the need for autonomous representation of workers' interests along the lines of the Solidarity movement in Poland. Two of these groups, the Independent Trade Union Movement and the Free Trade Union, claimed to have gathered membership in workplaces in the capital region. These tiny groups remain very much on the margins, and even the discussion of independent unions is a dangerous form of dissent, often characterized by authorities as a form of "industrial sabotage." In August Havana ironworker Ricardo Figueira Castro, a member of the CCPDH, was arrested and charged with enemy propaganda. Figueira had unsuccessfully sought a position in his factory's official union with the idea of making it more responsive to workers' needs. Nevertheless, he began to represent workers' interests informally with management and to speak out about the need for more independent representation with coworkers. Figueira's arrest soon followed.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) again challenged the trade union monopoly granted to the CTC in violation of Convention 87 on Freedom of Association. The Committee asked the Government to report what steps it is taking to bring its legislation into conformance.

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b. The Right to Organize and Bargain Collectively

Effective collective bargaining does not exist. The State Committee for Work and Social Security sets wages and salaries for the state sector. There are no known export processing zones in Cuba. Since the CTC is an instrument of the government policy, antiunion discrimination is not a relevant concept except as it applies to the Government's repression of independent union groups like those mentioned above.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code do not contain prohibitions on forced labor. Workers do not have full freedom to change jobs without official approval. Every worker must present a work identification card in seeking a new job. This card contains information on performance of "voluntary" work, protection of socialist property, political consciousness, failure to meet production goals, and negligence. In practice, any job change remains under the control of the authorities who grade and evaluate employee records that form the basis of the work identity cards.

Special groups of workers on loan from other jobs known as "microbrigades" are employed on special construction projects, often working a 60- to 70-hour week of physical labor. Some human rights monitors allege that workers refusing to "volunteer" for such projects often find themselves victims of discrimination or even risk losing their jobs. "Microbrigade" workers, however, are reportedly rewarded with priority listing for apartments, a very powerful incentive for voluntary work.

Various ILO bodies have found that governmental restrictions on the freedom to choose or change employment are incompatible with ILO Conventions prohibiting forced labor. Most recently, the 1989 report of the ILO Committee of Experts, cited above, found provisions of the new labor code imposing "correctional labor," and compulsory labor for damage due to negligence, to be incompatible with Convention 105 on forced labor.

d. Minimum Age for Employment of Children

The legal minimum working age is 17; however, the labor code provides for exceptions for those aged 15 and 16 to obtain training or to fill labor shortages. There is no evidence that authorities deviated from these rules in 1989. However, all students above the age of 11 are expected to devote 30 to 45 days of their summer vacations to agricultural work up to a maximum of 8 hours per day.

e. Acceptable Conditions of Work

During 1989 Cuba's minimum wage remained at \$140 per month at the overvalued official exchange rate or about \$20 in terms of black-market buying power, plus a "social wage" consisting of free medical care and education, along with subsidized housing and rationed food. Even with the state subsidies, a worker needs to earn substantially more than the minimum wage to support a family. The value of the "social wage" in improving living standards is diminished by the persistent shortages and tight rationing that have become standard features of the Cuban economy. For example, most newly married couples must live with relatives for years before obtaining their own housing and the suppression of free farmers' markets in 1986

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(following a brief experiment with market incentives) exacerbated shortages of some foods, although caloric intake remains high.

Maximum hours of work are 44 regular hours per week, with shorter workdays for unusually demanding jobs such as underground mining. Overtime is limited by law and practice, although workers are pressured to engage in additional unpaid "voluntary" labor. Workers receive 30 calendar days of vacation regardless of seniority or age. Provisions for worker safety and control of pollution generally appear inadequate. There is a lack of effective control and enforcement mechanisms to ensure worker safety, and industrial accidents are apparently frequent.

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A parliamentary democracy and a member of the Commonwealth of Nations, Dominica has been independent since 1978. Prime Minister Eugenia Charles' Dominica Freedom Party, in office since 1980, was reelected in 1985. The opposition Democratic Labour Party won 43 percent of the popular vote in the 1985 elections. A third party, the Dominica United Workers Party, was formed in 1988.

The police have been the only security force in Dominica since 1981. The Commissioner of Police supervises a small Special Services Unit (SSU), which has been incorporated into the Regional Security System of the Eastern Caribbean States, and oversees a marine unit which functions as a coast guard. The police are controlled by and responsive to the democratically elected Government.

Dominica's economy is based extensively on agriculture. Per capita gross domestic product is \$1,480. Although rugged terrain and periodic devastation from hurricanes have tended to hamper development, the economy grew at an impressive rate for the previous 3 years before slowing down in early 1989. Affected by a drop in prices, banana exports fell by approximately 28 percent from the 1988 level. Meanwhile both the construction and tourism sectors contracted significantly. In September Hurricane Hugo struck parts of the island, damaging the banana crop and sections of the country's infrastructure. The Government's promotion of agricultural diversification, and a number of new manufacturing and agricultural ventures (e.g., aloe vera production and a cardboard box factory) should help offset the adverse effects of these developments.

The country's human rights record remained good during 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated or other extrajudicial killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or other forms of cruel, inhuman, or degrading treatment or punishment. These are prohibited by the Constitution.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government respects these constitutional provisions. According to Dominican law, persons arrested or detained must be charged with a crime within 24 hours or be released from custody. This requirement is honored in

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practice. There were no cases of arbitrary arrest or exile in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Dominican law provides for public trial before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right of appeal. Indigents are provided free legal counsel only in capital cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports in 1989 of arbitrary government interference in the private lives of individuals. Arbitrary entry, search, and seizure are prohibited by the Constitution; search warrants are required by law.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The right of free expression is provided for by the Constitution and adhered to in practice. The political opposition openly criticizes the Government. Although the one major weekly newspaper is church supported and generally pro-Government, it does include opposition viewpoints. Similarly, while the main radio station is state-owned, Dominicans enjoy access to independent news sources via cable television and radio reception from neighboring islands. Opposition groups sporadically publish their own "journals."

b. Freedom of Peaceful Assembly and Association

The Government respects the constitutionally mandated freedoms of association and assembly and does not hinder opposition groups from holding political meetings or public demonstrations. Such meetings and gatherings were held periodically throughout the year.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholicism is the predominant faith in Dominica, and there are various Protestant denominations. There are also small Muslim and Rastafarian communities. There is no discrimination on the basis of religious faith or practice, and outside religious groups are not restricted in their activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are provided for by law and respected in practice. The Government may revoke passports if subversion is suspected, but has not done so in recent times.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although independent only since 1978, Dominica has a much longer tradition of democracy and home rule. Power is exercised by a Cabinet appointed by the Prime Minister. Elections in 1980 and 1985 were free and fair, and were contested by the incumbent Dominica Freedom Party and the opposition Labour Party, which won four of 21 seats in the latter contest. Elections to be held in 1990 will also be contested by a third party, the United Workers Party. Elections are by secret ballot and held every 5 years, or earlier, at the discretion of the Prime Minister.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Dominica has not been accused of any human rights violations by international groups. There are no government restrictions on the formation of local human rights organizations, although none exist at present.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are constitutional provisions, respected in practice, against racial or sexual discrimination in Dominica. Religious practice is not restricted nor is it the basis for discrimination. Labor laws specify equal pay for equal work. Officials of the Government's Women's Desk and the Community Welfare Desk state that violence against women, including domestic violence such as wife beating, is not characteristic of Dominican society. Nevertheless, the Government in 1989 concluded a research project on the subject of violence against women. Interviews were conducted with government and church officials, with the public, and with victims of abuse. The survey touched on such issues as which acts are defined as domestic violence, the number of instances of domestic violence, and the laws protecting women against violence. While there are no specific laws dealing with domestic violence, the Government is aware of the problem and is investigating its effect on society.

Section 6 Worker Rights

a. The Right of Association

Workers have the legal right to organize, to choose their representatives, and to strike. Approximately 20 percent of the work force is organized. Unions are historically more closely associated with the opposition than with the current governing party. While there were no major strikes in 1989, one union used secondary boycotts effectively against two employers to force negotiation of pending demands. Unions can and do associate with confederations and international bodies.

b. The Right to Organize and Bargain Collectively

Antiunion discrimination by employers is prohibited by law, and union rights are enforced by judicial and police authority. Enforcement mechanisms are the responsibility of the Department of Labor, whose inspectors carry out investigations under the supervision of the Commissioner of Labor. Unions have legally defined rights to organize workers

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and to bargain with employers. Collective bargaining is widespread in the nonagricultural sectors of the economy, including the government service, and there is also recourse to mediation and arbitration by the Government. Labor regulations and practice governing Dominica's three industrial estates and its other export firms located outside the estates do not differ markedly from that prevailing in the rest of the economy. About half of the country's export firms have been organized by trade unions. However, it is not legally compulsory for employers to recognize legally constituted unions as bargaining agents. Moreover, as most of the work force is female and there is no minimum age for industry, wage rates tend to be lower than in the economy generally. Also, the small labor inspection office lacks qualified personnel to carry out its duties under existing labor legislation.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited and does not exist.

d. Minimum Age for Employment of Children

The minimum working age is 14 years; this provision is generally observed in practice.

e. Acceptable Conditions of Work

The minimum wage for agricultural workers is \$3.80 per day, which is barely sufficient to provide them a minimally decent standard of living. The minimum salary for civil service workers is \$337 per month. There is no minimum wage law for industrial workers. The standard workweek is 40 hours in 5 days. The law provides for a minimum of 2 weeks' paid vacation. The Employment Safety Act, an occupational health and safety law, is considered to be consistent with international standards. The enforcement mechanism consists of inspections by the Department of Labor, which can and does prescribe specific compliance measures, impose fines, and prosecute offenders.

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The Dominican Republic is a constitutional democracy with a popularly elected president and a bicameral congress. The Supreme Court heads an independent judiciary whose members are appointed by the Senate. Political parties representing the ideological spectrum from left to right freely and actively participated in the May 1986 national elections, the sixth to be held since 1966. In the elections of 1978 and 1986, the reins of government were peacefully transferred from one ruling party to the opposition. The current President, Joaquin Balaguer, was inaugurated in August 1986 and will serve until August 1990.

The National Police (PN), the National Department of Investigation (DNI), and the military serve as the security services. The PN has general investigative and principal arrest authority. The military has investigative and general arrest authority for armed forces personnel and can arrest suspects apprehended by military patrols. The DNI is the principal national investigative body for national security concerns and generally does not have arrest authority. In 1988 the Government created the National Executive Council for the Control of Drugs to coordinate domestic and international narcotics programs, bringing under a single authority elements of the National Police, military, and DNI. All branches of the security services are responsive to civilian authority.

The Dominican Republic has a mixed economy based primarily on agriculture (approximately 15 percent of the gross domestic product) and services. The Government accounts for nearly 25 percent of the gross domestic product and controls several major industries (sugar, the national airline, electricity, etc.). Historically, sugar has been the principal export, although tourism, free trade zones, and remittances from Dominicans living abroad now generate more foreign exchange. The country continues to face the burdens of a \$4-billion external debt, a 45-percent inflation rate (estimate for 1989), a rapidly growing population (2.3 percent annually), and concomitant high levels of unemployment (some 25 percent) and underemployment (20-25 percent). During 1989, discontent over the continued deterioration of basic public services, inflation, and low wage levels generated a series of demonstrations (some of which became violent), serious sectoral strikes (including extended teachers' and public doctors' strikes), and a national general strike in June.

Dominicans generally continued to exercise the broad range of human rights provided by the Constitution. The political environment remained unrestricted, and individuals and political groups freely debated and criticized the Government's policies and programs. The major human rights problem which has continued to generate criticism within the Dominican Republic and abroad was the abuse of human and worker rights of Haitians residing in the Dominican Republic.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no known cases of political killings in 1989. Daniel Mirambeaux, an ex-member of an extremist, leftist party who was accused of murdering a New York City policeman during

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a drug-related crime in October 1988, died on June 30 as a result of a fall from a third story landing in the national police headquarters as he was on his way to be transported back to the United States to stand trial. The official autopsy stated that the death "was highly compatible with homicide," fueling charges that the Dominican Government engineered the death. The four Dominican police officers who had custody of Mirambeaux at the time of his death all testified that Mirambeaux jumped from the landing. The official report and an independent investigation by the United States Federal Bureau of Investigation, (done at the Dominican Government's invitation), both determined the probable cause of death as suicide. The four police officers involved were suspended from active duty for "gross negligence" in allowing Mirambeaux to escape physical custody. They were themselves placed in custody, and a court-martial recommended that they be separated from the police. On December 22, however, President Balaguer announced that, as an act of Christmas clemency, he was ordering their release and reinstatement, explaining that they had already been punished enough for their act of negligence.

In two additional cases, the police have been accused of abuse of prisoners leading to death. In August, Montero Mondesi died of blows allegedly received while in police custody at the National Police Headquarters. The officials in charge were arrested, and the police chief ordered an autopsy and complete investigation. In September, relatives charged that Armando Moya Salazar died in custody after being tortured by the police.

Members of the military were implicated by relatives in the alleged beating and death of Geovanny Cuello Sencion. According to press accounts, Cuello and some friends were picked up by a military patrol following a bar fight he had with an off-duty soldier. The press reported that Cuello was held at a military base and beaten for several days, and he subsequently died on September 16. The military alleges that Cuello and his friends were involved with illegal drugs. The police chief led a high-level investigation into the incident. The military court tried four enlisted men who made up the patrol. In December their case was still under final review. No officers have been brought to trial in the incident.

b. Disappearance

There were no credible reports of politically motivated disappearances in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, but several cases of mistreatment of prisoners or detainees by law enforcement officials and military personnel were reported by the press. In its 1989 report covering 1988, Amnesty International (AI) expressed concern over the reported beating of several people in detention following their arrest in mass demonstrations. The Government states that it has investigated reports of alleged police abuses, but any results of such investigations have not been made public.

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d. Arbitrary Arrest, Detention, or Exile

There were no credible reports of arbitrary arrest or exile of citizens for expressing views contrary to or critical of the Government. However, in mid-December 1988, the Government summarily deported Dr. Paul Etienne, a Haitian who worked for a nongovernmental center providing health and social services to Haitian sugar plantation workers. Human rights groups, including AI, observed there was no apparent reason for the expulsion other than his criticisms of the Government's treatment of Haitians.

There have also been frequent assertions that security forces forcibly detain Haitians and require them to cut sugar cane on state-owned plantations (see Section 2.d.)

The Constitution stipulates that suspects may be detained for a maximum of 48 hours for investigation before arraignment, after which they must be charged or released. In 1989 there were procedural complaints that people were being held in prison improperly. In response, the Attorney General began to review prison records in June. She subsequently ordered the release of 56 prisoners being held without timely trial or without legal cause, faulting the District Attorney's office for issuing "irregular" holding orders.

In the last half of 1989, the judiciary, some elements of the executive branch, and various human rights groups complained that prisoners were being improperly held, often after court release orders had been issued in their behalf. Police and prison officials, on their part, complained that courts were releasing dangerous criminals or letting them off with light sentences. After evaluations by the Attorney General and the Santo Domingo District Attorney, over 50 prisoners were subsequently released. In late November, President Balaguer responded to the demands that the Government ensure that court-ordered releases be obeyed by announcing that the executive branch was preparing legislation to reform the habeas corpus law.

Large numbers of people were detained during the year as a result of protest activities. Many hundreds were reportedly detained as a measure to prevent violence on the eve of the June general strike; the strike was peaceful, and those detained were released shortly thereafter. Also in late June, a number of teachers were arrested during a confrontation between striking Dominican teachers' association members and police; the teachers were released within a few days.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are no known political prisoners. The Constitution provides for a public trial. No special court for political or national security cases exists, and civilians may not be tried by a military court. Members of the armed forces are tried by military courts, except under specific circumstances and only after review by a military board. The appeals procedure, which includes appellate courts and the Supreme Court, is widely utilized. Court-appointed lawyers normally are provided at public expense to indigents only in criminal cases; they are seldom provided in criminal misdemeanor cases in which their provision is at the court's discretion. Prosecuting attorneys are appointed by the executive branch.

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Judges at all levels are appointed and approved by the Senate. They are nominally independent of the executive branch and are subject to removal or transfer by a majority vote in the Senate. Their terms of office correspond roughly to that of the President and other elected officials. The newly elected Senate can either designate their replacements or reconfirm them.

Judges earn a relatively low salary, and there have been allegations that the fairness and timeliness of some trials have been subject to influence and manipulation. There is widespread public belief that a number of judges and prosecutors accept bribes. To increase the professionalism of the judiciary, the Government, in cooperation with the U.S. Department of Justice, began in 1988 and continued in 1989 a program which provides judges and court attorneys with professional training in the legal aspects of criminal investigation.

The slowness of the judicial system, a problem for many years, continues to come under criticism. In an effort to attack the backlog of cases in the courts, the Supreme Court, with technical assistance from the U.S. Government, has computerized the Dominican central files and court docket. Although the right to judicial determination of the legality of detention exists, preventive detention of those awaiting trial is legal and commonly employed, and many of those accused remain in prison for lengthy periods.

Ex-president Salvador Jorge Blanco (of the opposition Dominican Revolutionary Party) returned to the Dominican Republic after an absence of 18 months in November 1988 and remains involved in a lengthy trial on charges of corruption during his presidency (1982-86). He maintains that his prosecution is politically motivated.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no credible reports of arbitrary governmental interference with the private lives of persons or families. Constitutional safeguards against invasion of the home are generally observed. A residence may not be searched except in the presence of a prosecutor or an assistant prosecutor, excluding cases of "hot pursuit" or instances where there is probable cause to believe that a crime is actually being committed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These liberties are provided for by law and are respected in practice. Dominicans of all political persuasions enjoy freedom of speech and regularly exercise it. The numerous privately owned radio and television stations air all political points of view. Dominican newspapers are privately owned and freely reflect independent and opposition points of view. There is no government censorship on political grounds.

b. Freedom of Peaceful Assembly and Association

These freedoms are provided for by the Constitution and are respected in practice. Outdoor public marches and meetings require government permits, which are routinely granted.

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Indoor gatherings of political parties, labor unions, and other associations are unrestricted.

Professional organizations of lawyers, doctors, and others function freely and can maintain relations with counterpart international bodies of diverse political philosophies. Although formed as professional associations, many of these organizations take on roles similar to those of labor unions, including protest activities and strikes.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Discrimination on religious grounds is prohibited by the Constitution. There are no religious requirements to hold public office, no restrictions on the practice of religious faiths, and no social discrimination based on religion. Approximately 95 percent of the population is Roman Catholic, and the Church's preeminent position is recognized in the Concordat between the Dominican Republic and the Holy See. There have been no credible reports of government interference with the free practice of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual legal restrictions on travel within or outside the country for citizens. However, the status and treatment of Haitians living in the Dominican Republic and of persons of Haitian descent have generated criticism by the press and private groups, both in the Dominican Republic and abroad. The Haitian community of perhaps 1,000,000 is composed mainly of illegal immigrants seeking improved economic conditions. Over the years, many have remained after the end of seasonal agricultural contracts and others have slipped over the border. In February 1989, Haiti created the Commission for Haitians Overseas to try to induce these Haitians to return.

In early January, a truck carrying some 73 Haitians overturned killing 47 Haitians. Several survivors told the press that they had been captured at the border, kept in military barracks for several days, and then put on the truck guarded by Dominican soldiers destined for a sugar plantation. This incident focused national and international attention on the situation of Haitians in the Dominican Republic. More attention arose when the 1989 International Labor Organization (ILO) Committee of Experts (COE) again faulted the Dominican Government for its failure to address problems pointed out in a 1983 ILO study of Haitians in the Dominican Republic. In addition, the ILO General Assembly made specific criticisms of the Government for failure to protect worker rights of Haitians working in the Dominican Republic.

A May 1989 report issued by the private U.S. human rights group, Americas Watch (AW), charged that the Government and the state-owned sugar corporation (CEA) did not allow the free travel of Haitian seasonal agricultural workers during the sugar harvest, restricting them to the sugar plantations which had their contract and not permitting them to return to Haiti. It has also charged that security forces paid recruiters to lure Haitians into the Dominican Republic who were then forcibly taken to the state-owned sugar company

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plantations. The Dominican Government denied these charges (see Section 6.c.).

For the most part, the Government does not deport illegal Haitian immigrants, although it may do so under Dominican immigration law. The Government claimed that this policy is motivated by humanitarian considerations, noting the problems the new Haitian Government would have in reassimilating hundreds of thousands of its poorer citizens. As a result of ILO and other criticism of Dominican Government treatment of Haitian residents, and calls for the Government to legalize undocumented persons of Haitian descent born in and living in the Dominican Republic, many economic and political leaders are publicly calling for the enforcement of immigration laws and the deportation of large numbers of Haitians.

Persons seeking political refuge (virtually all are Haitian) are not repatriated if the Government determines that they have a legitimate fear of persecution. Both Haitian ex-President Henri Namphy and ex-Port-au-Prince Mayor Franck Romain were among Haitians from fallen governments who fled to the Dominican Republic and safety in 1988 and remained through 1989. A group of Haitian military officers who led an aborted coup attempt in April were allowed into the Dominican Republic in transit to the United States. Six members of the Basque separatist organization "ETA" received political asylum in the Dominican Republic in April. Despite subsequent requests from Spain, the Dominican Government stated that it would not extradite or return the six men.

The Constitution requires that all foreigners abstain from political activities while in the Dominican Republic. During 1989, the Avril Government in Haiti repeatedly complained that the Dominican Republic was being used by Haitian dissidents, especially those from the Duvalier regime, as a safehaven for antigovernment activity. However, the Dominican Government has insisted that it will enforce its prohibition, especially in asylum cases, of political activity by foreigners.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Dominican Republic is a functioning multiparty democracy in which governments are freely elected by the citizenry every 4 years by secret ballot. Opposition groups of the left, right, and center operate openly and participated in the 1986 elections in which nearly three-quarters of the registered electorate voted, selecting national, provincial, and municipal office holders. All major parties and a large number of smaller parties are involved in open and free campaigning for the next general election, scheduled for May 1990.

Although the bicameral Congress is similar in structure and representation to that of the United States, it exerts limited power in practice. The President uses the veto, broad discretion to act by decree, and his influence as the head of his party (which currently has an overwhelming majority in the Senate and a near majority in the Chamber of Deputies) to exercise principal influence in enacting laws and regulations. However, in its enactment of bills, the Congress does provide an open forum for the free exchange of views and debate. On rare occasions, the Congress successfully challenges the President.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The access of international human rights organizations is unrestricted. During 1989, AW visited the Dominican Republic twice to study the issue of Haitian seasonal workers. AW representatives freely met with a wide variety of people, including a number of government officials, and traveled throughout the country.

Private organizations which freely report and comment on human rights include the Dominican Human Rights Committee, the Dominican Union for the Defense of Human Rights, and the National Committee of Human and Labor Rights. The major labor confederations (which represent the principal regional and international labor organizations) also have offices and internal organizations which work with and for worker rights and on the Haitian agricultural workers' issue. There have been no credible reports that the Government has restricted entry to, or activities within, the Dominican Republic of these organizations.

The Dominican Republic participates actively in international and regional human rights bodies and supports efforts to promote human rights in international forums.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination based on sex and race is prohibited by law. Divorce is easily obtainable by either spouse, and women can hold property in their own names apart from their husbands. Nonetheless, women traditionally have not shared equal social and economic status or opportunity with men.

There is no officially sanctioned violence against women, although such violence, including domestic violence such as wife beating, does occur. However, a lack of statistical data makes it difficult to determine its actual extent. Human rights and women's rights groups do not consider violence against women to be one of their major concerns, and government policy generally reflects this attitude. During 1989, the Government did take several positive steps to protect women. For example, during the summer the police mounted an effective campaign to combat kidnap-for-rape crimes in Santo Domingo.

The Dominican populace is predominantly nonwhite (73 percent mixed and 11 percent black). For historical reasons and because of sharp cultural differences, there is a strain of prejudice against Haitians in Dominican society. This often translates into discrimination against those with darker skin (i.e., Haitian appearing) (see Section 2.d.). Dark-skinned Dominicans, including some of Haitian descent, have been successful in a variety of fields, including elected political office. Still, persons of Haitian descent ("Dominico-Haitianos") traditionally fill the lowest economic and social niches, in part because of concern about possible illegal status, a lack of skills, and problems with the language and culture. AW has reported that due to prejudicial attitudes, children of such persons often cannot obtain documents to prove their citizenship and therefore are unable to attend school. There is no evidence that children of Dominican citizens of Haitian descent have been unable to obtain such documentation or attend school.

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Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the freedom to organize labor unions, and also for the rights of labor to strike and the private sector to lock out. However, unions operate under the handicap of a dated labor code (1951) that gives unions few rights vis-a-vis management and gives no effective protection for organizers or union officials. The labor code specifies in detail the steps required to constitute a legal union, federation, or confederation, and labor objects that the Government can use the failure to comply with every minute detail to withhold official recognition, as AW reports it has done with the Union of Cane-Cutters of Barahona, which applied in February 1988 to the Ministry of Labor and has not yet been recognized.

The labor code defines the right to strike but also denies the right to strike to workers in public services and prohibits general strikes. Nevertheless, professional organizations representing public service workers have not been deterred from strikes--including major work stoppages in 1989 by doctors, nurses, teachers, agronomists, and judges, as well as participation by many public workers in the June 1989 general strike. Although these strikes were illegal under the labor code, the Government negotiated with the striking parties. The ILO's COE in 1989 noted several deficiencies in the Dominican labor code, including the prohibition of sympathy strikes and political strikes.

Organized labor in the Dominican Republic represents about 12 percent of the work force and is divided among 8 competing and highly politicized confederations and a small number of independent unions. The confederations exercise only a limited degree of control or coordination over their affiliates and receive only minimal financial support from their members. An umbrella group to coordinate organized labor was formed in July 1989 as a result of the general strike, to negotiate on a sector-wide basis with the private sector on a variety of labor issues.

Labor groups represent the political/ideological spectrum, and several are associated with regional and international labor organizations. According to knowledgeable estimates based on the membership of Dominican organized labor, 32 percent were affiliated with the International Confederation of Free Trade Unions, 16 percent with the World Confederation of Labor, and 25 percent with the Communist-controlled World Federation of Trade Unions (WFTU). An additional 22 percent were affiliated with the Communist regional trade union organization (CPUSTAL), apart from the WFTU. There have been no credible reports of the Government interfering in or restricting association with international labor organizations or activities.

Many of the labor groups are affiliated with political parties and frequently pursue partisan political objectives as much as workers' economic interests, but are independent of government control. The ailing economy and high unemployment and underemployment have hampered the growth of organized labor.

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b. The Right to Organize and Bargain Collectively

The labor code clearly stipulates that workers cannot be dismissed because of their trade union membership or activities. Still, there are complaints that these protections are ignored and that labor leaders are being discriminated against. Criticism is often directed at Article 69 of the code which essentially permits an employer to dismiss a worker without cause. The ILO's COE noted in 1989 that the Government still needed to strengthen measures protecting workers against antiunion discrimination.

Although the labor movement is growing and collective bargaining is increasing, both continue to be severely limited by the competition and fragmentation of labor and labor's scarce financial and manpower resources in difficult economic times. One of the fastest growing economic sectors is the industrial free trade zones which began in the late 1960's and now employ about 112,000 workers (5.5 percent of available jobs), representing the third largest source of employment after the Government and the sugar industry. The free trade zone labor force, over 70 percent female, is generally nonunionized. Although the labor code applies to free trade zones, in both 1988 and 1989 there were allegations that workers identified in applications for union recognition were dismissed from free trade zone companies shortly after the presentation of documents to the Secretariat of Labor. Labor union officials also charged that the Secretariat of Labor failed to act on formal applications for recognition of unions in the free trade zones within the required 30-day period.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law. There was no contract between the Governments of Haiti and the Dominican Republic to bring in Haitian cane cutters for the 1989 harvest. AW reported that in 1989, as in the past, Haitian laborers in the sugar cane fields, especially those in the country illegally, were subject to abusive living and working conditions and in some cases were forced to work against their will. AW charged that the Government (which controls a major part of the sugar industry through the parastatal corporation CEA) used military and police to round up Haitians and then compelled them to sign a sugar cane cutter contract or be deported. Some human rights groups report that they have documented cases of Dominicans of Haitian descent and Haitians residing legally in the country being subjected to this treatment. The issue has been under review for a number of years by ILO supervisory bodies. In the 1989 annual meeting, the Committee on the Application of Conventions and Recommendations expressed detailed concern about the situation of Haitians on the CEA plantations, and the ILO Conference adopted a "special paragraph" in its annual report critical of the Dominican Republic for violating ILO standards on forced labor.

In response to the AW report alleging that persons of Haitian origin were coerced to cut sugar cane against their will, President Balaguer said that the charges were purely political in nature. The Acting Foreign Secretary admitted that individual abuses may occur, but he affirmed that this in no way reflected Dominican Government policy. The CEA denied the charges, and the CEA director said that CEA does not and will not tolerate abuses towards Haitian workers.

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d. Minimum Age for Employment of Children

The Dominican labor code prohibits employment of youths under 14 years of age, and restricts the nighttime employment of youths aged 14 to 18. The labor code also provides that employees under age 18 work no more than 8 hours a day, and specifies that those 18 years and younger may not be employed in dangerous or unhealthy jobs. In practice, many of the restrictions in the labor code are ignored. Young people, including minors younger than 14 years of age, engage in a variety of work which technically violates the labor regulations. There are many youths in the informal economy, selling newspapers, washing car windows, shining shoes, or begging in the streets. The Dominican Government denied that it encouraged or deliberately permitted the illegal employment of youths. During the year, the Secretariat of Labor investigated the employment of youths in Santo Domingo and Santiago areas and enforced the law in cases where companies were found with underage workers or teens without proper permission. Some young workers obtained work permits and continued their employment. Those who were unable to obtain permits were released. Some companies were subjected to small fines for violating the law. The AW report charged that Haitian youths were being recruited and used to harvest sugar cane for CEA. The Episcopal Black Bishops' Conference, held in Santo Domingo in April, made a similar charge (see Section 6.c.).

e. Acceptable Conditions of Work

The labor code establishes that all workers are entitled to 24 hours of rest after 6 days of work; in practice, a typical workweek is Monday through Friday plus half a day on Saturday. However, for manual and unskilled labor, longer hours are not unusual. Safety and health conditions at places of work do not always meet legal standards. The existing social security system does not apply to all workers and is underfunded; as a result benefits are low, payments often delayed, and medical care is limited and available only in the major cities.

Conditions among agricultural workers are in general much worse, with little rest and long hours during harvest and planting seasons. Some observers alleged that Haitian workers on CEA plantations are not allowed to eat or rest during the day at harvest time and are required to work significantly longer than the legal 48-hour week. The Government has responded that Haitians live under the same conditions as Dominicans doing equivalent work and has denied that it condones or permits mistreatment of workers. The CEA management has affirmed that it would punish any manager found mistreating workers.

In 1988 the Government, in response to terms worked out in church-sponsored talks including the government, labor, and business sectors to maintain real wages in the face of high inflation, raised the basic minimum monthly wage from \$55 to \$80. Some smaller businesses and agricultural workers were exempt from the new pay scale. As a result of the June general strike, the minimum wage for the public sector was raised in August 1989 from \$64 to \$80 a month. The general strike also led to negotiations between organized labor and business leaders to raise the private sector minimum wage. Business leaders unilaterally granted a raise from \$80 to \$104 a month in August, while negotiations continued. In October

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the Government's National Salary Committee officially raised the national private sector minimum wage to \$104, the voluntary level offered by the private sector. However, after a threat of a national labor strike by seven of the eight national labor confederations, the Government and labor negotiated an additional raise of \$7 to \$111.

According to labor leaders and many private sector businessmen, the vast majority of workers receive only the minimum wage. The current \$111 a month is not sufficient, even with high government subsidies on essential goods and services, to maintain a small family at a minimally acceptable standard of living. A report published in mid-1989 by a local economic study center concluded that real salaries had declined by 50 percent since 1970. A June 1989 study by a local retail association found that feeding a family of five at a subsistence level (assuming one meal a day, with inexpensive canned tuna as the only animal protein) would cost \$137 a month.

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Ecuador is a constitutional republic with a president and 71-member unicameral Congress chosen in free elections. Members of the Supreme Court, chosen by Congress, preside over an independent judiciary. In 1989 Ecuador celebrated the 10th anniversary of its return to democracy after 7 years of military rule. Fourteen registered political parties, a free press, and numerous and active labor unions characterize an open and lively political system. President Rodrigo Borja of the Democratic Left party completed the first year of his 4-year term in August. Although the Popular Democracy (a Christian democratic party) withdrew its members from the executive branch coalition in July, it continues to cooperate with the President's party in the legislature, as does the small Communist party, the Broad Front of the Left (FADI). Congressional elections are currently scheduled for June 1990.

The President controls the police through the Ministry of Government. In 1989 there were few charges of police abuse of citizens for political reasons, although Ecuadorian human rights activists charge that lower level police officials sometimes resort to force during investigations of common crime.

A small group of violent leftwing terrorists, Alfaro Vive Carajo (AVC), that maintains links with the Colombian M-19 group, continues to operate in Ecuador. A few AVC members are in jail, having been sentenced for participation in violent crimes. Other AVC members were released from prison after completing their sentences. The Borja Administration and the AVC signed an accord in March 1989 in which the AVC agreed to integrate itself into legitimate political activity.

Ecuador has a basically free enterprise economic system although the Government controls petroleum production and export. Petroleum, agricultural products, and fish account for the bulk of exports. High foreign debt, unfavorable terms of trade for key export items, and extensive rural poverty, especially among highblood Indians, burdened the economy in 1989.

Most human rights were well respected by the Government in 1989. Problem areas included police or military mistreatment of suspects during criminal investigations, brutal prison conditions, lengthy detentions without charge, and faulty judicial procedures.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known political killings in Ecuador in 1989. Some human rights observers believe the killing by unknown assailants on September 6 of journalist Francisco "Pancho" Jaime, who published a satiric magazine in Guayaquil lampooning top politicians in Ecuador, was politically motivated. Others discount this, believing it was likely a personal matter. No arrests have been made in the case. One person was shot and killed during a January 9 demonstration in Quito, but it remains unclear who did the shooting. There were no cases of excessive use of force by police resulting in extrajudicial killings in 1989 as there were in previous years.

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b. Disappearance

There were no known cases of disappearance attributable to government forces in 1989. Four of the cases still unresolved at the end of 1988 remain unresolved. The 1985 disappearance of Consuelo Benavides Cevallos led to a multiparty congressional investigation which concluded in 1989 that Benavides was killed within a week of her disappearance, and that the naval forces stationed in Esmeraldas Province probably were responsible for the disappearance and killing. The Supreme Court decided in 1989 not to hear the case brought by the Benavides family and recommended that a lower court hear the family's suit. That case was in progress in Esmeraldas at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture and other such forms of intimidation or punishment are prohibited by law, there are persistent credible reports that excessive force is used by lower level police officials, particularly against youthful suspects during investigations of common crimes. There have been no instances in recent years of police officials being tried and punished for such conduct.

Prison conditions continue to be so brutal as themselves to constitute cruel and inhuman treatment. Beatings for disciplinary purposes are common. Use of solitary confinement in an arbitrary manner as a disciplinary measure also continues, although the Director of Prisons indicated to human right activists his intention to end the practice.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and prolonged detention without charge. The criminal code provides for a judicial determination of the legality of detention and requires that arrested persons must be charged within 48 hours of arrest. In practice, some suspects are held substantially longer than 48 hours before being charged. Five members of the AVC, who were being held without charge in connection with a 1985 murder case, were released in October; they had been imprisoned since 1985. Preventive detention is limited to 48 hours by law. In 1989 there were no cases of arrest for crimes which could be construed as political. Forced exile is not practiced.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Congress elects the Supreme Court and has the power to impeach judges, to set the budget of the judicial branch, and to ratify the Supreme Court's judicial review decisions. From time to time, the Supreme Court investigates allegations of judicial inefficiency or improprieties and may remove judges of lower courts. In November the Congress enacted a law granting authority to remove lower court judges to provincial courts.

The autonomous Constitutional Guarantees Tribunal (TGC) is composed of representatives named by the President, the Congress, the judiciary, municipalities, business, and labor. The TGC is empowered by the Constitution to investigate

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breaches of constitutional or human rights. The TGC submits its findings to Congress but has no statutory power to enforce sanctions. Military courts may try only those cases involving infractions of military regulations or acts against military installations.

As in most civil law systems there is no trial by jury; judges play a central role in deciding guilt or innocence. In theory, defendants have the right to counsel as soon as arrested, although in practice this can take time and depends on defendants' economic resources. They can call witnesses on their own behalf, cross-examine all witnesses, refrain from testifying against themselves, and appeal to higher courts. Although a public defender system is mandated by the Constitution, the quality, reliability, and availability of the defenders are inconsistent.

Due to both inefficiency and corruption, detainees often face extended periods of pretrial detention after being charged and tried. Time spent awaiting trial and sentencing counts toward completion of the final sentence, but some long-term detainees have been found innocent, and, because of incompetent defense, many prisoners never see their final sentences reduced concomitantly. The poor and other disadvantaged groups who cannot afford to hire private lawyers usually face the longest periods of pretrial detention.

According to some human rights activists and political figures, corruption charges against Abdala Bucaram (President Rodrigo Borja's opponent in the 1988 presidential campaign and mayor of Guayaquil in the mid-1980's) as well as the ongoing suit against the son-in-law of former President Febres-Cordero are politically motivated, and demonstrate that the Ecuadorian legal system is open to political manipulation.

There were no political prisoners in 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Police are required to have a warrant to enter a private home or business except in cases of hot pursuit. The police generally respect the sanctity of private homes and correspondence, although there have been cases of illegal entry in past years. Police surveillance is permitted and used in practice in criminal investigations. No specific cases of illegal surveillance or entry were reported in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and communication and this is respected in practice. Most of the major media organs--television, print and radio--are in private hands, although the Government owns one radio network. The Government occasionally requires television and radio to broadcast government programs featuring the President and requires newspapers to carry a minimum amount of news prepared by the National Secretariat of Social Communication.

The media are lively and open, and represent the spectrum of political opinion from conservative to Communist. There are two major dailies in the capital, three in the principal commercial center, Guayaquil, and more than 20 additional

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papers published daily throughout the country. There are also numerous newsmagazines published in Ecuador. There are four national television networks and over 400 radio stations, as well as programming from the United States available in Ecuador by cable, all of which operate freely, without censorship.

There is no evidence of government interference with academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of free assembly and association for peaceful purposes, rights which are generally respected in practice. Public rallies require prior approval (which is generally granted unless public order or safety are threatened) from local government agencies.

For a discussion of freedom of association as it relates to labor unions, see Section 6.a.

c. Freedom of Religion

Citizens are free to practice the religion of their choice. There is no official state religion, although the population is nominally over 90 percent Roman Catholic. There are active Protestant and Jewish communities in the major cities. The Constitution prohibits discrimination against persons for religious reasons, although members of the clergy of any religious faith are barred from election to the Congress, the presidency, or vice presidency. Foreign-based religious orders are active in Ecuador and generally have cooperative relations with the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides all citizens the right to travel freely throughout the country, choose their place of residence, and depart from and reenter Ecuador freely. These rights are respected in practice. Persons from other countries have readily found asylum in Ecuador. Some human rights activists and lawyers report that Ecuadorian immigration authorities have occasionally not respected the right of foreigners in deportation proceedings. No cases of forced resettlement were reported in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Following 7 years of military rule, free and open democratic elections for president took place in 1979, 1984, and 1988. Congressional elections take place every 2 years, with the next scheduled for June 1990. There are currently 14 political parties legally registered in Ecuador, including 2 Communist parties--the Soviet-oriented FADI and the more extreme Popular Democratic Movement (MPD) (more sympathetic to the Chinese Communist Party), both of which are represented in Congress. In total, 11 of the 14 registered parties are currently represented in the legislature. Voting is mandatory for literate citizens over 18 years of age, and voluntary for the illiterate. Active duty members of the military service, according to the Constitution, may not vote. All citizens, regardless of sex, religion, socioeconomic status, or ethnic origin, have the right to form and join political parties.

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Only legally registered political parties can present candidates for election, and a candidate has to be a member of a legally registered party to stand for election.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In 1989 there were no reports of lack of cooperation by the administration of President Rodrigo Borja with either domestic or international human rights groups. There were complaints that lower level security officials occasionally did not cooperate in reviews of specific human rights cases. However, human rights observers agree that at the political level government officials are normally cooperative and often try to resolve problems which occur in the first instance at lower levels.

The organizations most active in monitoring human rights in Ecuador during 1989 were the Ecuadorian Ecumenical Commission on Human Rights, the Latin American Human Rights Association (ALDHU, headquartered in Quito), and the Ecuadorian Congressional Commission on Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although the Constitution specifically outlaws discrimination for racial, religious, linguistic, gender, political, or social reasons, in practice such discrimination does occur. There is no overt or legally sanctioned discrimination against these groups, but historically the urban poor have been and remain predominantly black, Indian, or of mixed ethnic background. The vast majority of the Indian population is rural and poor. Indigenous groups complained that government programs encouraging economic development and migration to sparsely populated areas traditionally inhabited by various Indian tribes are destroying indigenous cultural and economic life. The Government promotes colonization in the Oriente, which has the effect of negating the land rights of the indigenous people of the region. This colonization process reflects a desire on the part of some in the Government to fortify the frontier with Peru. Other government agencies are attempting to establish mechanisms to ensure that the rights of the Indian population are protected, but to date these efforts have been only minimally successful, if at all.

Even though some changes in law in 1987 and 1989 granted additional rights to women in the areas of property, divorce, and inheritance, women still suffer discrimination under civil law. No recent data on women in the Ecuadorian work force are available but women's rights activists agree that women's wage rates are lower than men's even in the same occupation.

Violence against women probably occurs with greater frequency than is reported in the media or in official data. Wife beating is believed to be common but is rarely reported. Wife beating is not prohibited by law. Human rights groups believe that in this male-dominated traditional society, women are either afraid or ashamed to report rapes when they occur. In addition, until recently, Ecuadorian men had the legal right to beat a female relative caught in an "illicit" sexual act. In 1989 there were no official government programs designed to address the problem of violence against women.

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Section 6 Worker Rights

a. The Right of Association

Workers by law enjoy the right of association in forming and belonging to trade unions, as well as the right to strike. The only limitation on these rights is the prohibition against unionization for the military, police, and those government employees (the vast majority) who are covered by the Ecuadorian Administrative Code. (Public employees covered by the Ecuadorian Work Code do have the right to form unions and to strike).

Approximately 12 to 15 percent of the labor force is unionized. There are four large labor centrals or confederations, and numerous unaffiliated unions, some of which are quite effective, such as the National Drivers' Federation. Unions are free of government control and are free to join international labor organizations. The Confederation of Free Trade Union Organizations is affiliated to the International Confederation of Free Trade Unions (ICFTU).

In a rare instance, the Government took into custody the president of the National Drivers Federation in an attempt to break a June strike, but the union leader was only held for 48 hours and the strike took place anyway.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) reiterated its observation that several of the provisions of Ecuador's labor code are incompatible with ILO Convention 87 on Freedom of Association. Among them: prohibitions on public employees forming trade unions; the requirement that members of works councils' executive committees be Ecuadorian; dissolution of a works council when union membership falls below 25%; prohibition of unions participating in political or religious activities; and the penalty of imprisonment for instigators of collective work stoppages. The Government's failure to bring its legislation into compliance with Convention 87 and Convention 105 on forced labor (see below) was the subject of a "special paragraph" in the report of the Committee on Application of Conventions and Recommendations (CACR) to the 1989 International Labor Conference.

b. The Right to Organize and Bargain Collectively

All private employers with more than 15 employees who belong to a union or employees' association are obliged by the Labor Code to negotiate collectively when the union so requests. This broad right does not extend to most public sector employees, nor to management in certain entities with social or public objectives, "nor to employees of entities financed by municipal or central government taxes, tariffs, or subsidies." The Labor Code prohibits discrimination against unions, and requires that employers provide space for union activities if the union requests. However, the report of the ILO's COE, cited above, noted Ecuadorian law does not provide protection against antiunion activity at the time of recruitment.

The Labor Code provides for resolution of labor conflicts through an Arbitration and Conciliation Board which consists of the labor inspector of the Ministry of Labor, two representatives named by the workers, and two named by the

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employer. Participation in this arbitration process is voluntary, and strikes and lockouts are permitted even while arbitration is under way.

The ICFTU executive board in May 1989 resolved to ask the ICFTU general secretary to lodge a complaint with the ILO against the Government of Ecuador for its actions in connection with a strike against the National Brewers Company because these actions "contribute to flagrant disregard for recognized international labor standards." Some observers within Ecuador's labor movement, however, are not in agreement that the employer is guilty of "flagrant disregard."

The labor law is enforced uniformly throughout the country; there are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is prohibited under the Constitution as well as the Labor Code. In 1989 there were no reports of forced labor. The ILO's COE called on the Government to repeal Decree 105, which provides punishment, including compulsory labor, for anyone who participates in a work stoppage.

d. Minimum Age for Employment of Children

Persons of less than 14 years of age are prohibited by law from working, except in special circumstances such as apprenticeships. Those between ages 14 and 18 are required to have parental or guardian permission to work. In practice, in rural areas and in the active informal economy which is particularly evident in major cities, many children under the age of 14 work in family-owned businesses, as shoeshiners, street peddlers, or on family-owned farms. Rudimentary enforcement mechanisms exist but are totally inadequate.

e. Acceptable Conditions of Work

The Labor Code provides for a 40-hour workweek, a 15-day annual vacation, a minimum wage, and employer-provided benefits. The minimum wage was recently raised to approximately \$47 per month. This minimum wage is not sufficient to provide a decent standard of living for a worker and his family. Many must supplement the minimum wage with income from other sources. Employers are responsible for maintaining safe and clean working conditions. The Social Security Institute is responsible for enforcement, which is generally adequate.

EL SALVADOR

El Salvador has a freely elected democratic government, with an executive branch headed by a president, a unicameral legislative assembly, and an independent, but politically appointed, judiciary. On June 1, for the first time in Salvadoran history, civilian control of the government passed from one political party to another following free and fair elections. Alfredo Cristiani of the Nationalist Republican Alliance (ARENA) party assumed the Presidency from the incumbent, Jose Napoleon Duarte of the Christian Democrats (PDC).

The Armed Forces of El Salvador (ESAF) total 56,000, including some 11,500 members of the police forces. There are three national police entities, usually referred to as the security forces: the National Police, the National Guard, and the Treasury Police. The security forces are considered part of the armed forces. The National Police, National Guard, and Treasury Police report to the Vice Minister of Defense for Public Security.

El Salvador has a mixed economy, and private property is generally respected. The country's economy is predominantly agricultural. Coffee accounts for 65 percent of foreign exchange earnings. The economy has experienced 6 years of modest growth, despite losses of nearly \$2 billion caused by an armed insurgency. The Farabundo Marti Front for National Liberation (FMLN) follows a strategy of seeking to disrupt the operations of the economy: it holds traffic bans which disrupt normal commercial activity; it extorts "war taxes" to raise income; and it has increasingly resorted to sabotage of economic targets. The group's stated goal is to worsen economic conditions in order to turn the population against the elected government. The FMLN's November 1989 offensive, during which attacks were focused on San Salvador and other urban areas, caused nearly \$20 million worth of damage to economic enterprises and infrastructure.

The FMLN has been engaged in an armed insurgency since 1980, dedicated to the violent overthrow of governments now regularly established through democratic processes. The FMLN has an estimated 6,000 full-time combatants backed by a network of front groups, part-time militia, and urban commando cells. During much of 1989 the FMLN pursued a public policy of attempting to make the country "ungovernable" through increased urban bombings and assassinations of intellectuals, newspaper columnists, civilian employees of the military, former FMLN members, mayors, and government ministers and their families. The FMLN sought to thwart the democratic elections in March by threatening the lives of those who administered the election process and those who transported voters to the polling places, and rejected a government cease-fire during the election period. On the political front, the FMLN offered in January and in September two proposals to negotiate an end to the conflict. For the first time the FMLN dropped demands for power sharing and acknowledged the validity of elections as a means to power; it specifically called for postponement of the March elections. FMLN insistence on an unconstitutional delay in the elections and its refusal to accept the Government's cease-fire proposal made agreement on a proposal impossible. In September the FMLN made a new proposal; shortly thereafter the Government and the FMLN agreed to permanent monthly meetings in an attempt to reach an end to the conflict and the FMLN's incorporation into political life. Meetings were held in

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September and in October. On November 11, the FMLN launched a nationwide offensive which left over 3,000 guerrillas, soldiers, and civilians dead and thousands more wounded. Nevertheless, the government delegation went to Caracas for the scheduled November 20 negotiating session, but the FMLN did not show up.

As the insurgency gathered strength in the early 1980's, members of the security forces repeatedly violated the human rights of their fellow citizens and were unquestionably involved in widespread death squad activities. Although abuses continue, successful investigation and prosecution efforts now mean that military personnel, including officers, cannot count themselves immune to prosecution. In March 1989 the military turned over two officers, three noncommissioned officers, and six soldiers to civilian authorities for prosecution resulting from the September 1988 massacre of 10 civilians in San Sebastian. In May an active duty officer in the armed forces was found guilty and sentenced for the 1987 murder of three men. In January 1990, Colonel Guillermo Alfredo Benavides Moreno, Commandant of the Military Academy and Overall Commander of units providing security to the Academy area, along with two lieutenants, a sub-lieutenant, and five other soldiers, was held in custody and charged with the slayings of six Jesuit priests, a housekeeper, and her daughter on the campus of the University of Central America on November 16.

Statistics kept by the American Embassy, aggregated for only the first 8 months of the year, do not show an increase in civilian political killings. Nevertheless, rightwing vigilantism continued to be a serious human rights concern. While intense investigation of some notable cases has produced information useful to the prosecution, in many cases it was unclear who the perpetrators were--rightwing vigilantes, the security forces, the FMLN, or common criminals taking advantage of the violent environment that has characterized the country in recent years.

The judicial process continued to be hindered by archaic procedures, inadequate facilities, intimidation of judges, and corruption. The FMLN's assassination of the Attorney General in April was an additional blow. Unfortunately, there was little progress in the prosecution of some key human rights cases during 1989. Although the military leadership showed somewhat greater cooperation in investigations of reported human rights abuses by members of the military, this attitude was not reflected in the lower ranks of the ESAF, where cooperation with civilian investigators is, at best, erratic or problematic.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The assassinations of the Jesuits, the Attorney General, and the Minister of the Presidency were among the numerous political and extrajudicial killings occurring during the year. Discerning a trend or pattern in the level of such violence is always difficult, the more so in 1989 with a guerrilla offensive beginning in November. The collection and classification of information on politically motivated

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killings is inexact, and general numbers can only indicate trends in violence over time in comparison with past reports using a consistent methodology. Common criminal murders, for example, can easily be disguised as political killings by perpetrators wishing to confound investigators; at the same time, a political motive in other murders may go undetected, causing them to be classified as common crimes.

The November FMLN offensive precluded a satisfactory count of political killings through the end of the year. Through August, the number of deaths reported in the Salvadoran press which may have been politically motivated averaged 17 per month; this compares with a monthly average of 19 in 1988, 23 in 1987, 22 in 1986, 28 in 1985, 64 in 1984, 140 in 1983, 219 in 1982, 444 in 1981, and 750 in 1980. Given the isolation of some rural areas, it is likely that the press does not report the full number of civilian deaths.

Of the 138 apparently politically motivated killings of noncombatants during the first 8 months of the year, 64 appear clearly to have been perpetrated by the FMLN, with another 16 probably attributed to them; 14 killings were attributed to military personnel; and in 2 cases there was insufficient evidence to designate the likely assailants. Included among the 138 victims were 42 civilians reportedly killed in combat action between the FMLN and the El Salvador military.

In statistics maintained by the U.S. Embassy on unexplained murders in which a political motive, though not apparent could not be excluded, these deaths decreased from an average of 21 per month during 1988 to an average of 16 per month during the first 8 months of 1989. A breakdown of these statistics showed that in the period after the March election the monthly average was 13, compared to 21 in January through March.

There continued to be reports of noncombat killings attributed to the military and police. On July 24 the ESAF announced the deaths of two young men, Hector Miranda Marroquin and Lucio Parada, who were in the custody of the Atlacatl Battalion beyond the legally allowed 72-hour detention period. The military high command ordered an investigation into the deaths and two soldiers were charged with the murders; the first is in custody and the other fled to avoid arrest. The second suspect charged, in a statement given when he was outside of the country, that his actions were directed by a death squad which operated out of the Armed Forces' First Brigade. The First Brigade denied the charges, and the case remained under investigation at year's end.

On August 22, a member of the Atlacatl Battalion killed a 17-year-old high school student in an apparent accident. The ESAF apologized to the family and charged the soldier responsible. In another case in August, members of the military detachment in Sonsonate killed one student and wounded seven. The Chief of the Joint Staff apologized to the parents and promised to bring the guilty soldiers (who claimed to believe that the students were FMLN members setting up a roadblock) to justice. Although an investigation was under way, by year's end no soldiers had been detained.

On November 16, 1989, six Jesuits, their housekeeper, and her daughter were murdered on the Central American University campus (UCA). The victims were Father Ignacio Ellacuria, the UCA's Rector; Father Segundo Montes, Director of the UCA's Human Rights Institute; Father Ignacio Martin Baro; Father

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Amando Lopez; Father Joaquin Lopez y Lopez; Father Juan Ramon Moreno Pardo; and Mrs. Elba Julia Ramos and her daughter, Celina Ramos. The Government initiated a thoroughgoing investigation employing the forensic expertise of the U.S.-supported Special Investigative Unit. President Cristiani offered a \$250,000 reward for information leading to the arrest of those involved and asked for assistance from the United States, Great Britain, Spain, and Canada in the investigation. Autopsies were conducted and a full range of ballistics tests were run on the recovered bullets and shells. Testimony was taken from military personnel and civilians who were polygraphed to evaluate the veracity of their information. At the beginning of 1990, nine soldiers of the Atlacatl Battalion, including a colonel and two lieutenants, were in legal custody for the killings. President Cristiani expressed the determination of the Government to take the case beyond investigation to prosecution and conviction of the wrongdoers.

On election day, three journalists died in unrelated incidents. Dutch cameraman Corneil Lagreuw died while filming a firefight between the military and the guerrillas. He was struck by stray bullets. Lagreuw's film shows him to be directly behind a guerrilla position. During the subsequent attempt by fellow journalists to get him to emergency medical care, a military helicopter repeatedly fired at the vehicle he was being transported in, hitting no one but impeding the vehicle's progress. The ESAF acknowledged its actions but explained that the pilots thought the vehicle was transporting fleeing combatants. Another journalist was killed by Air Force soldiers manning a roadblock near the Ilopango air base. The soldiers in this case have been charged with murder and were awaiting trial at year's end. A third journalist died in the eastern city of San Miguel; apparently his vehicle ran a roadblock before dawn on election day. The Minister of Defense and the Chief of the Joint Staff initiated a thorough review of the military's procedures for dealing with the press in the field and issued new guidance to the military on these procedures.

A special military honor board headed by the Minister of Defense in March found evidence that 11 ESAF members, including two officers, were culpable in the September 1988 killings of 10 civilians at San Sebastian. The soldiers and officers were turned over to civilian authorities for prosecution. At year's end, the investigative phase of the prosecution was nearly complete, and the ESAF members remained in detention awaiting trial.

In 1989 various groups charged that formal paramilitary death squads were operating again. Not since 1984, however, have there been any publicly acknowledged death squad killings by ultra-rightwing groups, as there were in earlier years. While some human rights groups continue to attribute certain political killings to "death squads," many of these deaths are likely the result of individual acts of rightwing vigilantism rather than of organized paramilitary death squads as existed before 1984. One case drew special attention and grave concern. On April 5 Maria Cristina Gomez, a school teacher and member of the National Teacher's Union (ANDES), was kidnaped by unidentified persons in a Jeep Cherokee wagon as she was leaving her school in Ilopango. Later that day, her body was discovered near a cemetery. An autopsy showed she had been severely tortured and raped before being shot four times. Her murder bore many of the characteristics of the

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death squad killings of the early 1980's. Members of her union charged the Air Force (which had security responsibilities in the area) with responsibility, which it denied. By year's end there had been no progress in identifying her assailants or the motive for her abduction and death.

Ten persons were killed and 30 wounded in the October 31 bombing of the labor union FENASTRAS's headquarters. The Secretary General of the union, Febe Elizabeth Velasquez, was among the dead (see Section 2.b.).

Killings by the FMLN, especially of prominent figures, escalated during the last 9 months of the year. The April 9 assassination of Attorney General Roberto Garcia Alvarao dealt a severe blow to the legal system, as the Attorney General is the chief prosecutor of human rights cases in the country. By year's end, there had been no progress made in the investigation of his murder. The June 9 assassination of the Minister of the Presidency, Jose Antonio Rodriguez Porth, raised additional concern in the Government and country. He and his butler, both unarmed, were killed in the driveway of his private residence. The home of then Vice President-elect Francisco Merino was bombed on April 14. The FMLN took responsibility for the April bombing and the killing of the Attorney General, and is widely believed to be responsible for the murder of Rodriguez Porth. The FMLN took credit for or is believed to be responsible for the June 26 killing of National Fire Chief Roberto Armando Rivera, the October 10 killings of the wife and son of a conservative newspaper editor, the October 17 murder of the 21-year-old daughter of an army colonel, and the November 28 assassination of Francisco "Chachi" Guerrero, the immediate past president of the Supreme Court of Justice and a former foreign minister.

During the year, the FMLN threatened to kill 214 of the 262 mayors in El Salvador. As part of its preelection campaign of intimidation, the FMLN killed 1 governor and 10 mayors, and forced the resignation of more than 90 other mayors. On March 15 Francisco Peccorini, a 75-year-old American citizen and former Jesuit priest, was murdered by the FMLN because of his criticism of guerrilla infiltration of the National University. Miguel Castellanos, a former guerrilla who renounced violence in 1985, was assassinated by the FMLN in February. Edgar Chacon, a conservative political columnist, was killed on June 30. Guerillmo Payes, a member of Chacon's conservative research institution, was also assassinated in July. Carlos Ernesto Mendoza, the editor of a journal critical of the FMLN, lost his arm but survived an April bomb attack. The FMLN may also have assassinated the five Salvadoran journalists who died at the National Information Center during the November offensive.

In other killings attributed to the FMLN, many victims were rural residents who refused to collaborate with the guerrillas or were suspected of being government informers. On May 22, the FMLN killed eight civilians by blowing up a van near Tacachico. There are also credible reports of civilians being taken from buses and killed by guerrillas. In addition the FMLN's use of car-bombs and homemade mortars in urban areas caused at least three civilian deaths.

b. Disappearance

The Constitution and government policy forbids unacknowledged

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detention by the security or military services. However, there continue to be credible charges of persons who disappeared after having been taken away by members of the army or security forces. In relatively few cases are "disappeared" persons never accounted for; most of the time their detention is eventually acknowledged or family members find them in some other way.

On August 19, Sara Cristina Chan Chan and Juan Francisco Massi disappeared from in front of a factory near the Ilopango Air Force base and have not been seen or heard from since. Family members say that many witnesses identified members of the Air Force as having abducted the two. The Air Force denies ever having detained them.

On June 3, Marta Guzman disappeared after leaving the offices of the National Union of Displaced Earthquake Victims. She was a leader in the organization. There were no witnesses to her disappearance. She has never reappeared, nor has her body been discovered. Members of her organization believe that the armed forces may have been involved.

A series of disappearances were reported in July and August in the department of Santa Ana. Four persons connected with the National University campus in Santa Ana disappeared in that period. Cecilia del Carmen Rodriguez, a professor, was abducted on July 11 by unknown armed individuals; she was freed on August 29. David Antonio Guevara Toledo, a student, was kidnaped on August 6 and reappeared on August 31. Jose Adolfo Lima and Santiago Martinez Centeno, also students at the University in Santa Ana, disappeared on August 11. They reappeared on August 31. Lima and Martinez claimed they had been tortured and threatened with death. All accused the army's Second Brigade, based in Santa Ana, of kidnaping and holding them against their will. The commanding officer denied responsibility for their disappearances. Their kidnapers have not been apprehended, nor was there any evidence of an active investigation in the case as of the year's end.

According to press reports, a total of 56 civilians disappeared between January and August, but this figure includes nonpolitical disappearances such as lost or runaway children aged 10 or over. Persons who desert their families, emigrate, or join guerrilla ranks may account for some of the disappearances. In addition, many persons reported missing by family members often were found later to have been legally arrested and appropriately reported to human rights organizations, particularly to the Government's Human Rights Commission (CDH). During the same period, the press reported that 153 persons were abducted by the guerrillas, and 17 others by unknown assailants.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were many charges and reports of abuse by the security services, with most asserting both physical and psychological torture. Alleged abuses include deprivation of food and sleep, threats against the detainee or his family, prolonged interrogation while blindfolded, being forced to stand for long periods of time, forced exercise, and blows to the ears. Almost all prisoners arrested for membership in the FMLN claim to have been forced to sign confessions without being permitted to read them. Instances of severe beatings, rape,

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choking, use of a hood to asphyxiate, injection with unidentified drugs, and electric shock were also reported.

While there are confirmed cases of torture and mistreatment of prisoners by members of the security services, it is not believed that there is a government policy that permits or condones torture or mistreatment of prisoners. When a complaint of mistreatment appears credible, the CDH reports the incident to the commander of the unit responsible and to the Ministry of Defense. The International Committee of the Red Cross (ICRC) also reports its findings, based on interviews with prisoners and ex-prisoners or on information from other confidential sources, to the President and Minister of Defense. The absence of a military justice system means that those offenders whom the military will not publicly identify are seldom, if ever, subject to the civilian courts. Notably, in March a lieutenant was convicted for the August 1987 killing of three men in Santa Ana, and in September he was sentenced to 30 years in jail. Charges against two enlisted men implicated in the case had been dismissed in 1988.

On June 12 the Treasury Police arrested Jose Tomas Mazariego, a labor activist. He was released on June 15 before the legal 72-hour detention period expired. He immediately alleged that he had been tortured by the police while in custody, claiming that acid was poured on his knees and ankles. A CDH doctor who examined him when he was released determined that he had not been tortured with acid, though his knees did reveal lacerations that may have been caused by repeated bruising or scraping.

In recent years, there have been few allegations of mistreatment of prisoners in El Salvador's prisons, which are administered and staffed by Justice Ministry personnel. No verifiable instances of torture occurred in the penitentiaries in 1989. Guerrilla prisoners, a total of 89 at the end of September, are distributed throughout the prison system and are treated as common criminals.

Human rights instruction is a formal and regular part of police recruit training and officers' classes. The CDH, the ICRC, and Catholic clergy give regularly scheduled courses on human rights for police, military, and civil defense personnel.

d. Arbitrary Arrest, Detention, or Exile

The criminal code prohibits terrorism, insurgency, and other actions against the stability of the State, but persons arrested for those offenses are afforded the same legal protection as common criminals. Judges and nonjudicial authorities, most often security force officers, are empowered to issue arrest warrants, which must be in writing. The Constitution requires that all persons detained by the police be turned over to the courts within 72 hours or be freed. This guarantee has been applicable since the state of emergency was ended in 1987. Following the initiation of the November FMLN offensive, however, the National Assembly enacted a state of siege which authorizes the extension from 72 hours to 15 days the period of allowable detention before an initial judicial determination is made. Arrests without apparent sufficient cause do occur, but incommunicado detention beyond the permitted period is not common and, when it has occurred, it has usually been the result of a detention in the field by an operating military unit.

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Holding political views opposed to those of the Government is not justification for arrest unless the suspect advocates violence. The courts have held that membership in a front organization controlled by the guerrillas is not in itself sufficient reason for holding an arrestee, although membership in one of the guerrilla groups is.

The Salvadoran security and armed forces are required to register detainees and have them examined by a doctor or nurse upon entry into police facilities. In insurgency-related arrests, they are required to notify promptly the family of the detainee, Tutela Legal, CDH, and the ICRC. The registration, notification, and arraignment procedures, together with the official prohibition on mistreatment of prisoners, continued to be generally enforced in an effort to eliminate mistreatment by government authorities.

From January to August 1989, the security forces detained 3,113 persons, including 168 foreigners, on suspicion of subversive offenses. Of that number, close to two-thirds were subsequently released by the police and never formally charged; 578 were consigned to the courts; and the remainder were hospitalized, deported, sent to the juvenile facility, or had their cases disposed of in another manner.

In the days following the start of the FMLN November offensive, the ESAF searched the facilities of several independent organizations, including churches and other humanitarian organizations. Twenty-five incidents involving the facilities of church groups occurred during the first 2 weeks of the offensive, when ESAF units were investigating leads relating to arms caches or other indications of support for the FMLN. Several dozen church workers, mostly Catholics, Lutherans, and Episcopalians, were arrested during this period. The overwhelming majority of religious institutions and facilities were not affected. Responding to domestic and international concerns that the searches and arrests were being carried out in an arbitrary manner, President Cristiani ordered the ESAF to prohibit field units from searching the offices of any religious, political, labor, or other humanitarian group without the specific authorization of the military high command. After that order in late November, one church facility was searched.

During the arraignment proceedings, the judge may order the accused further detained for up to 72 hours (or 15 days under the state of emergency) to determine if the evidence warrants holding the accused for trial. This time limit is normally, but not without exception, adhered to in practice. The judge is then legally constrained to a time limit of 120 days for investigating serious crimes, and 45 days for lesser offenses, before bringing the accused to trial or dismissing the case. In practice, however, these limitations are rarely followed, primarily due to the backlog of cases. All persons held in the prison system, however, are incarcerated by judicial order, if not by sentence.

As a recourse against illegal detention, anyone can, from the time it appears a court will issue an arrest warrant until the trial is completed and a sentence is carried out, request that an appeals court or the Supreme Court review the legal basis for the detention. Such an appeal freezes action on the case until the higher court has rendered its decision.

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The Government does not recognize the FMLN as a belligerent power and so does not accord prisoner-of-war status to captured guerrillas; captured guerrillas are turned over to the civilian court system for criminal prosecution. In the case of a group of war-wounded and handicapped FMLN ex-combatants who occupied the National Cathedral and later the Mexican Embassy, the Salvadoran Government allowed them to leave the country to take advantage of offers of free medical care by passing an amnesty in the National Assembly. Forty-six of them departed for Cuba in October.

There are no provisions in the law for exile. Many leaders of the FMLN claim to be in exile, but it is self-imposed. Some of them could, however, be subject to arrest in El Salvador for participation in guerrilla operations if they were to return. Revolutionary Democratic Front (FDR a formal political ally of the FMLN) leader Reuben Zamora, who returned in 1988 from such an exile, left again in late 1989, alleging that the Government's vigorous counter-offensive against the FMLN placed him in jeopardy. He had earlier in the year been an active campaigner for his party in the March presidential election. Mr. Zamora returned to El Salvador in early 1990.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution stipulates that the judiciary, the Attorney General's office, and the Solicitor General's office (public defenders) are independent of the rest of the Government and each other. The Legislative Assembly chooses the Supreme Court justices for 5-year terms, the Attorney General for a 3-year term, and the Solicitor General for a 3-year term. The Constitution establishes the regular court system and provides for a special system should the Legislative Assembly enact a state of exception. The Assembly enacted legislation to invoke an indefinite state of exception on November 13, following the initiation of the FMLN offensive; under its terms, security forces are allowed to detain FMLN suspects for 15 days for interrogation before consigning them to the courts. The state of exception remained in effect as of year's end.

The Constitution provides that a person accused of a crime may have a lawyer present upon being arraigned, but the right is seldom used, probably because few arrestees can afford to hire a private attorney. Court-appointed attorneys are not generally available to a defendant until the investigative phase is over and the judge determines there is sufficient evidence to enter the final, or plenary, stage of the trial. The defendant has a right to be present in court and to confront the witnesses that testify against him. All trial records of adults are open to the public unless the judge rules that the case be kept confidential. An appeal process exists and is used regularly.

Most major crimes in El Salvador are tried publicly before a five-person jury. Absences of attorneys, the destruction of many court buildings in the October 1986 earthquake, and a practically nonfunctioning jury identification and notification system hinder the ability of the judicial system to process cases expeditiously. Corruption and intimidation by political extremists are also factors. As a result, only 10 percent of the 2,058 prison inmates in September were serving sentences; the rest were awaiting adjudication of

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their cases. Bail is available for some minor offenses, but is seldom used. Prisoners are usually incarcerated for 6 to 18 months from the time they are charged until they are brought to trial, and even longer waits are common.

Historically, civilian judicial authority has not extended to the military officer corps. Many low-ranking members of the military and police have been discharged and turned over to the civilian courts for trial on criminal charges, but, traditionally, officers of the armed and security forces have been treated differently from other citizens before the law. Judges are frequently reluctant to bring charges against them, and colleagues often fail to cooperate in the prosecution of crimes imputed to a fellow officer. This pattern began to change in 1989 with efforts to prosecute a major and a lieutenant accused of the 1988 San Sebastian killings and the conviction and sentencing of Lieutenant Rivas in the murders in Santa Ana (Section 1.a.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally does not interfere arbitrarily in the personal lives of citizens, although the Constitution allows it the right to intervene when it believes national security is threatened. Both the Government and the guerrillas use networks of informants. According to the Constitution, before entering a private dwelling the security forces must have the inhabitant's consent, a judicial warrant, or reasonable belief that a crime is being or will be committed. In practice, the security forces often use forced entry to carry out arrests and investigations. Government forces often intercept mail deliveries in the conflictive zones. Wiretapping of telephone communications by the Government, the FMLN, private individuals, and political parties is widespread. The Government was accused in late November of indiscriminately entering the premises of religious and humanitarian organizations, conducting mass arrests, and seizing property found on the premises. Government officials asserted that military forces were acting on intelligence reports, indicating that either such premises or some of the individuals therein were acting on behalf of the FMLN.

The guerrillas arbitrarily interfere with the lives of inhabitants in the conflictive zones, expropriating food and medical supplies, intercepting mail, and often forcing villagers to attend indoctrination sessions. They engage in forced recruitment either to fill their ranks or to obtain laborers and porters. FMLN committees exercise a high degree of control over the villages set up by refugees who return from camps in Honduras, an extension of their control inside those camps. The people usually comply with the FMLN demands, because the guerrillas regularly back up their threats by killing those who fail to cooperate.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

There were new claims in 1989 of improper Air Force bombings near civilian populations that caused civilian deaths. Following President Duarte's 1984 guidelines, the Air Force claims to refrain from attacking guerrilla concentrations and installations when civilians are nearby. However, there are credible charges from people in the countryside which contradict this claim, especially in Chalatenango, Cabanas,

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and Morazan departments, where there have been military ground operations which received close air support from the Air Force. There were no reported civilian casualties as a result of this activity in rural areas during 1989.

During the November FMLN offensive, the guerrillas took positions in the working class neighborhoods north and east of San Salvador, using innocent civilians as shields against Army and Air Force counterattacks. The FMLN set up fortified positions in civilian housing complexes and used private homes as command headquarters or sniper posts. In many instances, confirmed by diplomatic officials and the international media, the guerrillas did not allow the civilian residents to evacuate these areas. This tactic was designed to provide a shield and maximize the number of civilian casualties in order to blame the ESAF for those casualties.

The Embassy estimates, based on death reports and visits to hospital and emergency organizations, that there were between 200 and 400 civilian deaths in the capital during the fighting and between 1,500 and 3,000 civilians wounded. Most of the wounded received minor injuries and only 600 to 700 required hospitalization. Most casualties were the result of heavy street fighting and the use of infantry weapons such as small arms, machine guns, grenades, and mortars; few casualties seem to have been caused by aerial bombardment.

Charges of indiscriminate bombing by the Air Force during the FMLN urban offensive were not borne out. An Americas Watch (AW) report noted that in three San Salvador neighborhoods visited "the civilians had the impression that helicopter strafing and bombing were aimed principally at guerrilla emplacements." The ESAF followed its existing Rules of Engagement (ROE) regarding close air support during the offensive. The ROE allows for air support in populated areas only when the mission is to "retard or dissuade" terrorist activities. According to Embassy reports and eyewitness civilian accounts, the Air Force made efforts to target helicopter strafing, rocketing, and bombings at guerrilla emplacements, which resulted in few civilian casualties. However, despite initial ESAF denials, the ESAF did drop several bombs on guerrilla positions in San Salvador and San Miguel. Both 500 and 250 pound bombs were employed. These attacks caused some civilian casualties.

The guerrillas' use of unmarked, indiscriminately placed landmines and booby traps is a major cause of death and maiming among peasants. Planted along farm roads and paths, around guerrilla-downed electric poles, under railroad tracks, near water sources, in farmlands, and on coffee plantations, these mines killed 52 civilians in 1988 and 36 in the first 8 months of 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no governmental restrictions on freedom of speech and the press. El Salvador has a vigorous local press which regularly prints strongly antigovernment commentary. In the aftermath of the assassination of the Minister of the Presidency, a series of strict antiterrorist law reforms were proposed in the National Assembly, some of which might have impinged on freedom of speech and the press. After reviewing the proposed law, President Cristiani returned the bill to the

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National Assembly for redrafting and reaffirmed his Government's commitment to freedom of expression and the press. In November, following the initiation of the FMLN offensive, the Assembly passed the bill. President Cristiani again refused to sign the bill and returned it to the Assembly, noting his concern about the constitutionality of specific provisions of the legislation. He indicated to the Assembly that it should draft a bill which could be accepted by the broadest possible group in the Assembly and the nation.

San Salvador, a city of 1 million, has five daily papers, five television stations, and numerous radio stations. There are also two cable television systems that broadcast news programs from overseas. Television journalism in El Salvador is flourishing. Press agencies have reported that in El Salvador a wider range of opinion is permitted and heard than in many other Western democratic countries. Interviews feature a full range of political figures representing all political viewpoints, including politicians, labor leaders, human rights activists, private sector representatives, and government officials. Of the leading daily newspapers, three are conservative and the other two are more centrist in their views. One of the latter, while editorially conservative, presents a full range of views from conservative to far left, including unedited articles from the FMLN press agencies SALPRESS and NOTISAL, press releases from both liberal and pro-FMLN organizations, and a weekly supplement from the Jesuit-operated University of Central America. Furthermore, the views of the left are expressed in a variety of journals, newsletters, periodicals, bulletins, and paid advertisements in the daily press. A 1981 decree forbidding publication of anonymous paid advertisements or communiques remains in effect, but recent examples of such propaganda show this law to be essentially unenforced.

Television stations sell broadcast time to political and labor organizations of all political viewpoints. These are uncensored and are often broadcast live. During the 1989 election campaign, the Government was targeted with bitter media attacks by the opposition without interference. Commercial radio stations use news and propaganda reports recorded from the clandestine guerrilla radio stations or supplied by the guerrillas on cassettes. The Government owns two television channels with identical programming and one radio station. The Armed Forces operate a radio station.

Academic freedom is protected by the Constitution and respected by the Government.

b. Freedom of Peaceful Assembly and Association

Any association not formed for criminal purposes is legal and permitted in El Salvador. Political, professional, religious, labor, and social organizations operate without legal restriction. The Interior Ministry questioned the legal basis of a number of leftist groups in June, but did not pursue the issue. Groups from the left and the right criticize the Government and hold marches and demonstrations without interference from the Government. Those labor, displaced persons, and human rights organizations which have been credibly identified as FMLN fronts frequently stage marches. During the preelection period the Democratic Convergence (CD) party (see Section 3) charged the military with intimidation at its rallies. Some CD members were arrested in rural departments but were subsequently released.

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In 1989 there were several large, violent demonstrations during which protestors burned cars and buses and looted stores. The response of the police was measured, and, though many demonstrators were frequently detained following confrontations with the authorities, no deaths connected with security control of demonstrations were reported during this year. The police did not interfere with nonviolent demonstrations.

Following the killing of the wife and son of a conservative newspaper editor on October 10, the killing of Colonel Casanova's daughter October 17, and the October 30 mortar attack on Army headquarters, the offices of the leftist FENASTRAS union were bombed by unknown assailants on October 31. Ten were killed in the blast, including FENASTRAS secretary general Febe Elizabeth Velasquez, and 30 wounded. FENASTRAS, UNTS, and the FMLN all blamed the Armed Forces and the Government for the bombing. Some members of the military and the ruling ARENA party accused the FMLN or FENASTRAS of rigging the incident in order to promote antigovernment agitation.

President Cristiani called for an investigatory commission to look into the crime, but FENASTRAS initially refused to permit the Special Investigative Unit (SIU) to conduct a physical examination of the site or the bodies. An FBI explosives incidents expert was made available and along with SIU personnel visited the site on November 8 after it had been cleaned up and much evidence destroyed.

The day of the FENASTRAS bombing, offices of the Committee of Mothers of Political Prisoners, Disappeared and Assassinated of El Salvador (CO-MADRES) in northern San Salvador were bombed, resulting in injuries to three persons, including a U.S. citizen. CO-MADRES blamed the military but there was no evidence to establish culpability.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for by the Constitution and is respected in practice. Although the country is predominantly Roman Catholic, an estimated 20 percent of the population subscribe to other faiths. Arrests of church members and employees, both Catholic and Protestant, are unrelated to religious beliefs. Such arrests usually were related to essentially secular activities, involving humanitarian relief work for the poor and others dispossessed by the war; authorities have voiced suspicions that such work often provides a cover for guerrilla recruitment or provision of support for the insurgency.

During the first two weeks of the November FMLN offensive, the ESAF searched the facilities of at least 25 church groups which it had reason to believe were sympathizing with or supporting the FMLN. (See Section 1.d.)

The Catholic Church is one of the most influential institutions in the country. The Archbishop's Sunday homily is broadcast live from the Metropolitan Cathedral on one of the Government's television stations and on radio. Catholic Church publications disseminate the Church's position on human rights and the war. Catholic Church statements have become

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increasingly critical of the leftist insurgency, but the Church does not hesitate to criticize the Government as well.

Some foreign missionaries and clerics encountered difficulty in applying for residence status and/or extending their visas, and concern was expressed that immigration officials were discriminating against them by reviewing their immigration status. It is believed that these incidents resulted from politically motivated harassment by lower level officials, but there was no evidence that any of the cases arose from official objections to individual religious beliefs or practices.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution establishes the right of free movement. However, Article 97 specifically states that foreigners may not involve themselves in the internal political affairs of the country, and this article is used by the Government to deny entry to or deport foreigners who might violate that section of the law. Local military commanders require that foreigners receive permission before entering conflictive zones; they often restrict entry when military operations are under way in those areas. Some internal movements by Salvadorans are similarly restricted. The country is mired in a 10-year-old conflict with some well-defined geographic areas of military operations in which travel is restricted during periods of combat. The state of exception that was in effect for most of the decade ended in 1987, although a state of siege was enacted in November in response to the FMLN offensive. However, other than the restrictions on travel within conflictive zones noted above, there are no limits on constitutional freedom of movement.

In 1985 there were an estimated 525,000 persons displaced within El Salvador by the conflict. Today approximately 140,000 persons are still in need of Government resettlement assistance. There may be another 7,000 who are not registered with the Government and receive assistance from private relief organizations. An additional 55,000 are refugees in other Central American countries and in Mexico, and more than 550,000 are estimated to be illegal immigrants in the United States.

An increasing number of refugees are returning from abroad. The Government is actively involved in discussions with members of refugee camps in Honduras to facilitate their return to their homes in El Salvador. Through September 1989 the U.N. High Commissioner for Refugees (UNHCR) repatriated some 300 persons in 1989. Approximately 1,180 refugees from the Mesa Grande camp in Honduras were repatriated to El Salvador in October under the auspices of the Governments of El Salvador and Honduras and the UNHCR. About 1,700 refugees from the Colomoncagua camp in Honduras walked back to El Salvador in two large groups during November and December without authorization from the UNHCR or the concerned Governments. None of these entities were prepared to assist or receive the refugees, who entered El Salvador without protection, documentation, or guarantees of future help.

In some cases local military commanders have blocked the shipment of food, medicines, and other materials to the communities where the refugees now reside, claiming that supplies were being diverted to the guerrillas. For the most

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part, however, there is no government harassment of persons returning to El Salvador from abroad. The Government imposes no control on emigration and cooperates with international organizations that arrange Salvadoran emigration to other countries.

The Government, with assistance from the UNHCR and the ICRC, has registered some 400 Nicaraguan refugees, although officials estimate as many as 3,000 are residing in the far southeastern part of the country. Registered refugees are free to travel within El Salvador.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for rights and procedures by which its citizens can change their government by peaceful means. There have been six national elections since 1982. In the most recent, on March 19, 1989, six political parties participated in the presidential elections in which the governing PDC lost the presidency to the ARENA, marking the first democratic transfer of control of the Government from the ruling party to the opposition. Although a leftist party allied to the FMLN participated in the elections, receiving less than 4 percent of the vote, the FMLN itself refused to participate in the electoral process and through attacks and threats sought to disrupt the elections. The elections were contested by a wide range of parties that represented views across the entire political spectrum, and marked the return to the political arena of Guillermo Ungo as the presidential candidate for the Democratic Convergence (CD), a coalition of three leftist parties allied to the FMLN guerrillas. The CD united Reuben Zamora's Social Christian Movement Party (MPSC), Ungo's National Revolutionary Movement (MNR), and Reni Roldan's Social Democratic Party (PSD). The CD's participation was a milestone in recent Salvadoran history because it demonstrated that political toleration in the country existed to the point where the self-proclaimed allies of the FMLN could freely compete in national elections.

Voting is by secret ballot. In preparation for the March elections, the Central Elections Council (CCE) distributed 1,850,000 computerized voter identification cards (carnets) as a safeguard against fraud; 55.6 percent of those with carnets voted.

The Constitution allows all political parties that do not advocate armed opposition to the democratic system to participate in the electoral process. It establishes a citizen's right to membership in any legally recognized party. In practice, even parties still linked to the FMLN were permitted to participate. The Nationalist Democratic Union (UDN)--the political front for the Communist Party of El Salvador (PCES)--did not participate despite its status as a legal political party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continued to be receptive to official groups interested in human rights. High-ranking government officials and military officers regularly meet with visiting legislators from different countries, human rights organizations, church and labor groups, and others. AW and the Lawyers Committee

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for Human Rights maintain a joint office in San Salvador. The ICRC has an agreement with the Government that permits it to work in the conflictive areas to assist noncombatants, to visit prisoners and detainees accused of guerrilla activity, and to make confidential reports to the Government on human rights issues. Tutela Legal and the CDH also have access to the prisons. The UN Special Rapporteur on Human Rights in El Salvador made his ninth annual visit to the country in October.

Domestic human rights organizations active in El Salvador include the CDH and the Catholic Archbishop's Human Rights and Legal Aid Office, Tutela Legal. The CDH receives testimony about human rights violations, conducts investigations, visits arrested persons, and reports to the local commanding officer and the Ministry of Defense when it discovers a case of abuse. Its doctors examine detainees to determine the validity of complaints of torture. The CDH keeps a register of persons injured by landmines and is working in conjunction with international assistance organizations on a project to register civilian amputees and provide them with prosthetic devices. The CDH also maintains a roster showing the status of those detained by security forces.

Tutela Legal's staff often conducts its own investigations, visiting persons detained by the security forces, carrying out some on-site investigations, and receiving testimony about human rights violations. Tutela files its findings on human rights cases with government authorities. Though its marshaling of data is usually comprehensive, Tutela has on occasion asserted that, based on circumstantial evidence only, the perpetrators of certain killings are death squads linked to the Government. Such assertions are typically made when the body of a victim is found in an area or zone to which access has been under the control of the security forces. Tutela Legal, while not providing figures, expressed concern about what it termed an increase in human rights abuses by the military.

Guerrilla defectors and captured documents provide evidence to show that the FMLN controls several groups that are ostensibly independent human rights organizations. These include the Human Rights Commission of El Salvador (nongovernmental) (CDHES), the Federation of Committees of Mothers and Families (FECMAFAM), the Committee of Mothers of Political Prisoners, Disappeared and Assassinated of El Salvador (CO-MADRES), and the Christian Committee for the Displaced (CRIPDES). Notwithstanding this link, they operate without government interference and regularly publicize their views in the local media. These groups consistently report only on alleged abuses by government forces and do not investigate, acknowledge, or even record human rights abuses committed by the FMLN. Although some individual members of these groups were arrested during 1989 and charged with guerrilla membership or activities, all were subsequently released by the security services or the courts. The Lutheran Church, the National Association of Indigenous Persons (ANIS), many labor unions, universities, and other nongovernmental organizations also have human rights and legal assistance offices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

El Salvador is ethnically homogeneous, though a small segment of the population claims to have descended solely from the region's indigenous Indians. There is no official

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discrimination against these Indians. There does not appear to be any discrimination in housing, jobs, and education. The Government neither permits nor condones de jure or de facto discrimination. Under the Constitution, women enjoy the same legal rights as men, and are represented in all three branches of government, in business, and in the professions.

Violence against women, including domestic violence such as wife beating, is undoubtedly widespread, but the lack of adequate reliable statistics makes it impossible to gauge its true extent. Charges of rape are frequent and there is no specific governmental policy to address the problem. In September seven female labor activists alleged they were raped while in the custody of the National Police. Only one of the seven filed a formal complaint and submitted to a physical examination; the examination substantiated the allegation. Both the National Police and the Special Investigative Unit were investigating the case in October.

Section 6 Worker Rights

a. The Right of Association

Article 47 of the Constitution prohibits the Government from using nationality, sex, race, creed, or political philosophy to prevent workers or employers from organizing themselves into unions or associations. This provision was intended to provide the legal framework for secondary legislation, including a revised labor code. Legislative action on such a code has been stymied, however, because of a lack of consensus between the government, the private sector, and labor. Several separate proposals for revising the code have been drafted since 1985, but none of these have been formally submitted to the Legislative Assembly. The Cristiani Administration has indicated interest in reform of labor laws, but has not yet developed any firm proposals nor taken a position on any of the proposals previously prepared. A confusing and sometimes conflicting set of laws dating from 1963 which govern labor relations remains in place. While existing statutes provide protections which are enforceable under the Constitution, their inconsistencies often result in cumbersome procedures and significant delays.

Legally, only private sector workers have the right to form unions and to strike. Employees of the nine autonomous public institutions may form unions but are barred from striking. Finally, existing law bars agricultural workers and employees of government ministries and departments from forming unions or striking (although in practice, public sector strikes do occur). These employees are instead represented by associations whose function, in practice, is similar to that of unions.

There are approximately 150 currently active trade unions, employee associations, and peasant organizations, with a combined membership of just over 400,000--roughly 20 percent of the work force. These organizations freely elect their officers in accordance with their individual constitutions and bylaws. Leaders of worker organizations appear regularly on television, publicize their views in the country's major newspapers, and conduct seminars on various issues without government interference. Unions have also been able to organize or participate in public demonstrations without government interference as long as the demonstrations remained peaceful. On several occasions during the year,

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demonstrations sponsored by pro-FMLN labor organizations became violent, resulting in the intervention of security forces to restore order, and occasionally resulting in several demonstrators being detained.

While the law allows the recognition of a union to be withdrawn "for cause," since 1980 this has occurred in only one instance. The Government acted in the case of the union of workers for the Rio Lempa Hydroelectric Project (STECCEL) after the union, working in concert with the FMLN, cut off electricity to most parts of El Salvador, causing several deaths and significant economic damage.

Twice since 1986 the Salvadoran Supreme Court has reaffirmed constitutional safeguards protecting trade unions, worker associations, peasant organizations and their leaders from arbitrary and capricious behavior by management and/or the Government. In March 1986, the Court ruled unconstitutional a July 1985 decision by the Labor Ministry which had stripped 11 leaders of the Sewer and Waterworks Union (SETA) of their positions because they had disobeyed a labor judge's order to end a strike. The court held that union leaders cannot be deprived of their leadership status because such status derives from union elections. In August 1987, the Supreme Court similarly overturned an order of the Ministry of Interior which had divested leaders of the ANIS of their positions. The Court voided the Ministry's order, reinstated the leaders, and ruled that the Minister of Interior was liable for civil damages for having exceeded his authority.

The right to strike for the private sector is provided for by law and is freely exercised in practice, despite cumbersome, time-consuming legal procedures. As unions routinely fail to fulfill these requirements, almost all strikes are declared illegal. In several instances workers have occupied factory premises as part of a strike or work stoppage. In cases where such activity is part of an illegal strike, security forces have intervened to remove workers and protect factory premises.

There were 19 private-sector strikes during the period January 1-September 30, 1989, affecting approximately 3,000 workers. The Ministry of Labor intervened as provided for by law in an effort to resolve the disputes, even in cases involving illegal strikes. The absence of specific laws granting workers in autonomous government institutions or public employees the right to strike has not deterred such strike activity.

In 1989 the Committee on Freedom of Association (CFA) of the International Labor Organization (ILO) considered four cases based on complaints filed by several international and Salvadoran labor organization alleging violations of ILO Convention 87 on Freedom of Association by the Government. The complaints, some of which date back to 1981, allege, inter alia, that: the Government was implicated in the murder, harassment, intimidation, and disappearance of trade unionists, and the destruction of trade union property; and that certain public employees were denied the right to organize and bargain, and were not protected from antiunion discrimination. The Government, in its various responses to the complaints, has contended, among other things, that the complaints were part of a pattern of propaganda and provocation designed to discredit the Government and frequently resulted from subversive acts perpetrated by the guerrillas and unions allied with them. The CFA has

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repeatedly deplored the violence that has prevailed in the country which, according to the Committee, has prevented the full exercise of the rights guaranteed by the Convention. The Committee considered it unacceptable that the Government had not provided detailed and complete answers when the lives and freedom of trade union leaders were at stake, and urged the Government to bring detainees to trial without delay and to initiate independent judicial inquiry into the murder and disappearances of numerous trade unionists named in the complaints. El Salvador has not ratified ILO Convention 87 or Convention 98 on Collective Bargaining.

FMLN-linked labor organizations regularly use ostensibly peaceful dissent to provoke government actions, then level charges of worker rights violations when the Government responds to street violence and occupations. For example, in September the FMLN-linked FENASTRAS union demonstrated in San Salvador, burning several buses and automobiles, and causing thousands of dollars in damage to other private property. The subsequent arrests of 60 demonstrators were characterized as a violation of worker rights. The same tactic is applied when members of these organizations are detained by government authorities for suspected involvement in terrorist activities. While security forces detained numerous union members during 1989, these detentions seldom resulted from legitimate union activities. The FMLN also seeks to disrupt and subvert democratic labor groups that refuse to collaborate with it.

Labor unions are not restricted from affiliation with international organizations, and Salvadoran unions freely affiliate with such groups, including the International Confederation of Free Trade Unions, the World Confederation of Labor, and the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The right of collective bargaining is granted in Article 39 of the Constitution, and Article 269 of the labor code. Under the labor code, only private sector workers can exercise this right, but the Constitution is interpreted broadly to provide all workers the right to bargain collectively.

Private sector unions use the mechanism of collective bargaining extensively. Approximately 28 collective bargaining agreements covering private sector employees were certified by the Ministry of Labor between January 1 and September 30, 1989. According to Ministry statistics, these contracts covered approximately 44,000 workers. Nearly 60 percent of the collective bargaining agreements certified since June 1984 were contracts for unions affiliated to antigovernment labor organizations. A similar collective bargaining practice is also followed, albeit in a more informal manner, between public employees and the Government.

The Director General's office (DGT) of the Ministry of Labor is responsible for overseeing the implementation of collective bargaining agreements and acting as conciliator in labor-related disputes in the private sector and autonomous government institutions. According to the Ministry, during the period January 1 through September 30, 1989, the DGT participated directly in 41 labor-management conflicts. Approximately 35 were resolved through its participation.

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Article 47 of the Constitution states that union officials at the time of their election, throughout their term and for one year following their term shall not be fired, suspended for disciplinary reasons, removed or debased in their work conditions except for legal cause. This provision is generally observed in practice.

The relationship between the business community and the labor movement improved somewhat during the last years of the Duarte regime, but a large reservoir of distrust still remains. Labor leaders perceive the Cristiani Government as being antilabor, but in the first few months of the regime the labor code continued to be enforced as in the past. As before, however, businessmen frequently take measures to prevent unions from being formed. Union leaders have also complained about lengthy and complex procedures required to register new unions.

El Salvador has one export processing zone. There are no differences in labor regulations in this area and those which prevail in general. However, there are no labor unions represented in any of the firms in this zone, and the firms discourage labor organizing by preventing organizers from entering the zone and intimidating workers who attempt to organize.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor except in cases of public calamity and other instances specified by law.

The ILO's Committee of Experts on the Application of Conventions has for a number of years noted with concern the provisions in the penal code that allow the imposition of sentences involving compulsory labor and has made suggestions on how to improve existing legislation and practice. Reform of the penal code is being considered by the Legislative Assembly. The FMLN continues to force civilians, including minors, to serve as porters, spotters, and couriers for the guerrilla army. Reports from family members of those impressed indicate that the FMLN increased its use of this practice before and during the November offensive.

d. Minimum Age for Employment of Children

The Constitution prohibits the employment of children under the age of 14. The labor code states that exceptions can be made only in cases where it can be demonstrated that such employment is absolutely indispensable to the sustenance of the minor and his family. This is most often the case with children of peasant families who traditionally work with their families during planting and harvesting seasons.

The Constitution also prohibits the employment of persons under 18 and all women in occupations considered hazardous. The law is enforced through inspections undertaken by the Ministry of Labor. There are credible reports that in at least some cases these inspections have revealed violations which have been corrected.

e. Acceptable Conditions of Work

The Government's National Minimum Wage Council recommends increases in the minimum wages for commercial, industrial,

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service, and agro-industrial employees. Over the past several years, wages have not kept pace with inflation. From 1983 to 1988 real wages in the private sector have declined by an estimated 40 percent. Commercial as well as industrial and service workers in San Salvador were paid \$2.80 daily, while their counterparts in other areas of the country received \$2.65. Agro-industrial workers employed in the cotton and sugar industries received \$1.71 daily, while those employed in the coffee industry earned \$2.65. Wage rates for most categories of workers are higher than the legal minimums, especially in the private sector. For the most part, minimum wages are inadequate to meet the Ministry of Economy's standard of basic necessity.

The law limits the workday for minors between 14 and 18 years of age to a maximum of 6 hours, while for adults it is 8 hours. Premium pay is mandated for longer hours.

The Constitution and the labor code spell out the rights of workers to a healthy and safe working environment. These statutes require employers, including the Government, to take steps to ensure that employees are not placed at risk in their workplaces. Despite extremely limited budgetary resources, the Ministry of Labor attempts to enforce the applicable regulations. According to Ministry figures, the Inspector General's office conducted approximately 12,500 inspections and reinspections between January 1 and September 30, 1989. Most of these occurred in commercial, industrial and service establishments. Nearly 183,000 employees were covered by these inspections and reinspections. The Inspector General's corps cited employers for almost 350 infractions and assessed fines totalling \$1,250. Employers were also ordered to pay approximately \$1,300 to employees as compensation for unjust dismissal.

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A member of the Commonwealth of Nations, Grenada's parliamentary form of government, with a Governor General as titular Head of State, was suspended in 1979 by the Marxist People's Revolutionary Government (PRG) and then restored in October 1983. Free and fair elections in December 1984 brought the New National Party (NNP) into power with 14 seats in the 15-member lower house of Parliament. Prime Minister Herbert Blaize later broke with the NNP and formed The National Party (TNP) with the support of six Members of Parliament. With a majority of elected Members of Parliament no longer supporting the Government, the Prime Minister prorogued Parliament on August 23, rather than face a potential vote of no confidence. Under the Constitution, the Prime Minister has until March 27, 1990, to hold new elections.

Political and civil rights are provided for by the Constitution and respected in practice, although the Emergency Powers Act of 1987 gives the Government authority to suspend most civil rights should the Governor General declare a state of national emergency. Although provisions of the Act have never been applied, opposition politicians objected strenuously to it, citing existing government authority to deal with national emergencies.

Security in Grenada is the responsibility of the 600-strong Royal Grenada Police Force (RGPF), which includes a 75-man paramilitary Special Services Unit (SSU) and a 30-man coast guard unit. It is controlled by and responsive to the civilian government.

Grenadians enjoy substantial freedom to pursue economic goals in a free market environment. Major improvements in infrastructure have accompanied economic growth, which has averaged 5 percent annually in real terms over the past several years. Economic development in agriculture, construction, tourism, transportation, and communications has been aided by a return of Grenadian capital and substantial economic assistance following restoration of democratic government in 1983.

Grenada's overall human rights record remained good during 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances or abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and there were no reported incidents of torture in Grenada in 1989. Some of the prisoners convicted of the 1983 murder of Prime

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Minister Maurice Bishop, whose cases are still under appeal, made allegations of beatings by prison officials, but these have not been substantiated. The Government authorized the formation of a prison visitation committee in 1989 to visit the prison periodically, but the program had not been implemented by year's end.

d. Arbitrary Arrest, Detention, or Exile

According to law, police have the right to detain persons on suspicion without a warrant, but formal charges must be brought within 48 hours. This time limit is adhered to in practice. If the detainee is not charged within this time, he must be released. In 1989 no one was detained for political reasons.

The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. Formal arraignment or release of the arrestee must be determined within 60 days. These procedures were generally followed.

There is a functioning system of bail, although those charged with capital offenses are not eligible. Persons charged with treason can only be accorded bail upon recommendation of the Governor General.

No Grenadian citizen was exiled in 1989. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to fair public trial is provided for by law and is observed in practice. Those arrested and charged are brought before an independent judiciary and are allowed access to a lawyer of their choice. For capital crimes, the courts appoint lawyers when the accused cannot pay for his defense. In other cases, the defendant is assigned counsel if the case reaches the appellate stage. Following a determination by a judicial hearing that there is sufficient evidence to substantiate a criminal charge, the defendant is remanded for trial. Due to the backlog of cases caused by a lack of judges and facilities, a significant amount of time can pass before those charged are brought to trial.

The Government has taken particular care to afford a fair public trial, including an appeal process which has been under way for 2 years, in the cases of the 17 former PRG and army officials convicted of the murders of Maurice Bishop and 10 others on October 19, 1983. Fourteen defendants have been sentenced to death and three to long prison terms. This appeals process continues before a panel of Caribbean jurists, although it was temporarily delayed by the death of the president of the court in December 1988. The Grenada Government continues to bear the cost of both the prosecution and the defense in the appeal.

There are no persons imprisoned without due process. There are no political prisoners, the 17 PRG and revolutionary army officials having been convicted of capital crimes.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is no arbitrary interference in private life. Warrants for searching homes are normally required by law except in cases of hot pursuit. In practice, warrants are obtained in the majority of cases before a search is conducted. There were no reports of arbitrary monitoring of telephones or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for by the Constitution and freely exercised. There are five weekly newspapers and several papers which are published irregularly. Most are affiliated with political parties, but the two most widely circulated newspapers are independent. Flyers are occasionally distributed by remnants of the PRG's Revolutionary Military Council and the New Jewel Movement. Newspapers are frequently critical of the Government.

Grenada has one government-operated radio station. There are no regulations regarding equal access to radio broadcasts by opposition political parties. In practice, the official opposition party was given occasional air time, but made sporadic, informal complaints that the time given was inadequate. In 1988 a license granted to a private FM radio station by the Government a few months earlier was revoked and the station closed. After an inconclusive court case on charges of operating without a license, the owners resumed broadcasting, only to be closed down again. In October, the Government announced that it had issued a license for a new privately owned FM radio station, which was scheduled to begin broadcasting by year's end. Its programming was not expected to deal with political matters.

Grenada currently has a fledgling television broadcasting system which was purchased from its American owners in September 1989 by a public corporation controlled by the Government. Under its previous owners, the programming featured regular political interview/talk shows which were open to all the political parties in Grenada, as well as to public commentary. It was unclear at year's end if the policy of free access by opposition political parties to television will continue under the government-controlled public corporation.

In 1989 the Government, as it did in 1988, banned the importation of a number of Marxist-oriented publications destined for the Maurice Bishop Patriotic Movement (MBPM), in connection with the anniversary of the coup which overthrew the elected government of Sir Eric Gairy in 1974. The Government noted that the Constitution allows limitations on freedom of speech and the press when deemed necessary to protect the public interest. On April 11, the Government issued a formal order prohibiting permanently the importation of 86 specific publications into Grenada on the basis that they were contrary to the public interest.

b. Freedom of Peaceful Assembly and Association

Grenadians enjoy the right to assemble for any peaceful purpose, including the public protest of policies or actions

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of the Government. Supporters of political parties meet frequently and hold public rallies. There are no controls on private or public associations, and permits are not required for public meetings.

Citing a refusal to endorse a celebration of the destruction of democracy, the Government refused to permit foreign visitors to remain in Grenada in March 1989 to attend events planned by the MBPM.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

All groups enjoy freedom of religion. The Roman Catholic and Anglican faiths predominate, but there are many Presbyterian and Methodist as well as evangelical church members. In addition, there is a small Baha'i community and an Islamic center which serves the Muslim community. Complete religious freedom extends to the Rastafarians, who were harassed under the PRG regime. Clergy, including missionaries, travel and proselytize freely. No apparent advantages or disadvantages are conferred by adherence to a particular faith, although Christian prayers and hymns form part of many governmental and political meetings. Representatives of the Church of Jesus Christ of Latter-Day Saints travel and proselytize in Grenada.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Grenada and, in principle, the right to enter and leave is guaranteed to all Grenadian citizens, except in special circumstances as outlined and limited by the Act to Restrict the Freedom of Movement of Certain Persons, passed in 1986. The law allows the minister responsible for national security to restrict travel out of Grenada of any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal, presided over by an accredited lawyer chosen by the Chief Justice. The law was enacted after the Grenadian Appeals Court upheld a government action withholding the passport of a former member of the PRG who sought to leave the country in 1985. The Government subsequently reversed its decision in this case late in 1988; the individual's passport was returned, and he has been permitted to travel abroad and return.

No one was forcibly repatriated to Grenada in 1989. There were no official applications to Grenadian authorities for refugee status, although the Baha'i community includes Iranians who left their homeland to escape persecution. Work permits are granted to them, and they are allowed to practice their religion freely. The Government has allowed students and others to return to Grenada from Cuba and other Communist countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for this right through free and fair elections to be held at least every 5 years. Formed by the union of three parties to contest the December 1984 elections, the ruling NNP won 14 of the 15 parliamentary seats in an

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election in which 85 percent of the voters participated. The NNP's majority was reduced after the resignation of two members in 1986, and further defections in 1987 left the NNP with only a 9 to 6 majority. After being ousted as party leader of the NNP in a January 1989 convention, Prime Minister Blaize broke with the NNP in August and established a new party, The National Party (TNP). The dismissal and/or resignations of remaining NNP members of the Cabinet then left the Prime Minister's TNP with a 6 to 9 minority in Parliament. Rather than face a potential vote of no confidence, the Prime Minister, in accordance with constitutional provisions, advised the acting Governor General to prorogue Parliament indefinitely on August 23. Constitutionally, the Parliament ended its maximum 5-year term on December 27, 1989, and elections must be held no later than March 27, 1990. It was not certain whether or not Parliament would be reconvened in the interim.

Local government elections promised by the NNP in the 1984 campaign remain a topic of public debate but have yet to be held. The political system is not dominated by any particular ethnic group, nor are there any restrictions which limit participation of any elements of the Grenadian population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has welcomed visits of several human rights organizations in the past, including Amnesty International. In September the Government hosted and participated in a seminar on the Judiciary and Human Rights in the Commonwealth Caribbean sponsored by the International Commission of Jurists in association with the Caribbean Justice Improvement Project.

The Caribbean Institute for the Promotion of Human Rights (CARICARE) is active in Grenada. It has called on the Government to recognize and accept the jurisdiction of the Inter-American Court of Justice, but there was no action on this issue in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence of official discrimination in health care, employment, or education. There have been some reported incidents of unofficial job discrimination against Guyanese and other foreign-born residents. Women frequently earn less than men performing the same work; wage differences are less marked for more highly paid jobs.

Grenadian women's rights activists contend that violence against women in Grenada is common, and that most cases of spouse abuse go unreported to police authorities. To address this problem, one women's group instituted in December 1989 a telephone crisis hot-line so that victims of rape or spouse abuse have a mechanism for requesting support and assistance. The Grenadian police confirm that most cases of alleged abuse are not reported and those that are are settled out of court. Grenadian law stipulates a sentence of 15 years' imprisonment for a conviction of rape. Sentences for assault against a spouse vary according to the severity of the incident.

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Section 6 Worker Rights

a. The Right of Association

Workers are free to organize independent labor unions. Local Labor Ministry officials estimate that approximately 25 percent of the total work force is unionized, although this figure may be low. Workers in the public and private sectors can and do strike legally if they give advance notification. The threat of strike action by three public sector unions in September 1989 contributed to a wage settlement highly favorable to the workers. Union leaders play a significant role in the political process, and one labor leader serves in the Grenada Senate at the nomination of the governing party. In 1989 all unions were free of government control, and none was given government support. Grenadian unions are affiliated with the Caribbean Congress of Labor. The Grenada Trade Union Council still maintains contacts with the Communist-controlled World Federation of Trade Unions, although at a very low level of activity.

b. The Right to Organize and Bargain Collectively

Workers are free to participate in collective bargaining. Legislation compels employers to recognize a union which represents the majority of workers in a particular business. Grenadian law prohibits antiunion discrimination by employers against union members and organizers. If a complaint of discrimination arises, mechanisms exist for trying to resolve it. After all avenues for resolving a complaint have been exhausted between union representatives and employers, both sides may agree to ask for the assistance of the Labor Commissioner. If the Labor Commissioner is unable to find a resolution to the impasse, the Minister of Labor can appoint an arbitration tribunal if both parties agree to abide by its ruling.

There are no areas in which union organization and collective bargaining are discouraged or impeded by the Government, including the export processing zone. In August workers at Abbott Labs Grenada, located in the export processing zone, voted not to form a union by a three to one margin in an election considered to have been free and fair.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor, and no such incidents were reported in 1989.

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children (16 years) is enforced in the formal sector by periodic checks made by inspectors from the Ministry of Labor. Enforcement in the informal sector (i.e., family farms and small family businesses) is less effective.

e. Acceptable Conditions of Work

There is no effective regulation of work hours or occupational safety standards, although the normal workweek rarely exceeds 40 hours. A legal minimum wage has been fixed for the agricultural sector only. However, it is very limited in its scope, and for the majority of agricultural workers, as in other sectors, the minimum wage is determined by union/employer

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negotiations. The Government's own wage rate and vacation allowances are comparable to those in the rest of the Eastern Caribbean. Wages from full-time jobs normally provide the basis for at least a minimally decent living standard.

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The Constitution of Guatemala, which took effect in January 1986, provides for a president and a 100-member unicameral congress, both elected by universal adult suffrage, as well as an independent judiciary, and a Human Rights Ombudsman. The Christian Democratic Party formed a civilian Government following free and fair elections in 1985.

The military has the primary responsibility for national security, and has been engaged in fighting against the nearly 30-year old guerrilla insurgency. In addition, the mobile military police (PMA), which number about 1,000 members, also plays a role in protecting key installations. The military continues to have a reputation for human rights violations, though its record has improved over the past 5 years. The PMA reports to the Minister of Defense, an active duty general. The National Police (some 11,000 members) and the Treasury Police (about 2,000) report to the Minister of Interior (Gobernacion). The two civilian forces are generally not well regarded and historically have been weak and corrupt organizations with poor human rights records.

Real economic growth continued in 1989, albeit at a slightly slower rate than in 1988 due to a less than expected rate of investment and a fall in the rate of growth of coffee export earnings. Although the Government has been able to sustain the economic recovery begun in 1987, the increased growth has been insufficient to impact on the country's major problems of poverty, poor health and social services, high rates of illiteracy and infant mortality, and inadequate infrastructure.

Violence in Guatemala decreased in the first 2 years of the new civilian Government's tenure in comparison with the levels of the early 1980's. In 1989, however, the country saw a resurgence of violence and terrorism, much of it politically inspired. A coup attempt in May 1989 by disaffected military and ex-military personnel sought, among other things, to oust reformist Defense Minister General Gramajo. Departing from past practice, the Government moved to prosecute the plotters. In November, seven were found guilty. Five were sentenced to 10 years, two to 2 years in prison. With foreign aid, the Government made efforts to continue to professionalize the police and the judiciary in order to increase their ability to investigate and prosecute crimes. However, the Government, hampered by a weak criminal justice system, was unable to check the determined efforts of antidemocratic elements and criminals to create an environment of chaos and a lack of effective government control. There continued to be credible reports of security forces personnel and political extremists engaging in extrajudicial killings, disappearances, and other serious abuses. Few, if any, of the perpetrators of such actions were apprehended, tried, and convicted. Throughout the year, the Communist guerrillas increased their campaign of violence, which included destruction of public and private property, robbery, forced recruitment and labor, murder, and indiscriminate use of land mines. Drug-related crime and corruption also rose in 1989, and evidence grew of guerrilla involvement in the cultivation and trafficking of opium. Terrorists launched a series of bombings in the latter half of the year directed at television and electrical transmission towers, the telephone company, retail stores, political party headquarters, and the offices of two human rights groups. A series of kidnappings and brutal murders took place in August and September, including those of

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a group of evening students at the University of San Carlos in Guatemala City.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Police statistics showed about 2,000 murders countrywide, nearly the same as in 1988. Critics charge that these figures understate killings in those areas with minimal police presence or where residents refused to report incidents. While most killings appeared to result from personal vendettas or other criminal activities, an unknown but probably relatively small number were politically motivated. It is impossible, however, to determine the exact number.

There is no evidence that extrajudicial killings were part of the Government's counterinsurgency or anticrime actions, or that top government officials ordered or condoned them. However, as stated publicly by the Defense and the Interior Ministers at the height of the wave of violence which swept the country over the summer, persons in the security forces as well as extremist political groups engaged in extrajudicial killings. Authorities failed to investigate effectively and bring to trial the perpetrators of these crimes. Particularly troubling was the failure, with few exceptions, to detain or prosecute those perpetrators who were likely to have been connected with the security forces. In this regard, the Washington-based International Human Rights Law Group asserted in a July report that the police were unwilling to investigate a case aggressively when the military was thought to be involved. There is reason to believe that some military officials take steps to shield lower ranking personnel involved in these killings. These serious abuses continued despite efforts to improve those forces' overall human rights performance, including strengthening the army's Office of Inspector-General, providing human rights and other professional training for army and police officers, and creating a functioning Office of Professional Responsibility in the police.

The media reported frequent discoveries of bodies, often with signs of torture or post-mortem mutilation. While many were not identified, a number were persons who had arrest and conviction records, leading some to conclude that vigilante groups were involved in some killings in which the perpetrators likely had access to police, court, and prison data. There were credible reports that, during the summer, an average of four bodies of teenaged males were found daily in Guatemala City, bound and shot once in the back of the head. In late May and early June in Jocotillo, Villa Canales, armed men killed six persons in two incidents; at least some of the victims were said to have had criminal records and one apparently had deserted the army. Though no arrests resulted, vigilantes, including members of the security forces, were generally thought to be responsible for many killings of this nature.

In August gunmen killed prominent left-of-center Christian Democrat leader and journalist Danilo Barillas. Although the police investigation was unsuccessful in establishing a motive or perpetrator, popular suspicions focused variously on

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enemies within his party, on leftwing extremists out to disrupt the electoral process, and even on drug traffickers.

In September the bodies of five San Carlos University students were found. They were some of the San Carlos students who had disappeared earlier (see Section 1.b.).

While conclusive evidence was lacking, political extremists appeared to be responsible for the shooting in the capital on September 28 of student activist Villeda Lara and his brother, a labor leader. Both men survived the attempted assassination.

On July 2, Jose Rolando Pantaleon, a former member of the Coca Cola union, was killed. The case remained open at year's end. During the early 1980's a number of Coca Cola union leaders were killed. Pantaleon was not a well-known figure within the union, and it is not clear that his death was labor-related or why he was singled out.

An INDE (electrical) union director, Jose Leon Segura, was killed as he waited for a bus on September 27. The union was in the midst of a campaign to obtain the ratification of a collective bargaining agreement. Segura apparently believed he was in danger and had tried to obtain documents to leave the country. No leads had been developed in the case by year's end.

Guerrillas were involved in extrajudicial killings in rural areas. Reliable reports indicate uniformed guerrillas murdered relatives of army personnel in the area between Patulul, Suchitepequez, and Pochuta, Chimaltenango in April. Guerrillas killed a deputy mayor in San Marcos department, the Huehuetenango deputy military zone commander, and, in Quiche, two repatriated refugees: Mateo Juan Baltazar, an alternate delegate to the National Dialogue (set up under the National Reconciliation Commission established under the Esquipulas II accords), and his brother.

Uniformed, machinegun-bearing guerrillas of the Revolutionary Organization of the People in Arms (ORPA) temporarily seized the town of Acatenango, Chimaltenango where, according to the press and an eyewitness, they publicly murdered an already disarmed policeman. Uniformed guerrillas also briefly took San Miguel Duenas, near Antigua, held a forced meeting of the inhabitants, and killed a small child when his parents tried to run a roadblock in their vehicle.

Army personnel in rural areas were credibly reported to have engaged in extrajudicial killings of persons suspected of guerrilla sympathies or drug smuggling, particularly in San Marcos and the marijuana-growing area of Peten.

While no killing as large as the unsolved 1988 El Aguacate massacre occurred during the year, in May a group of armed men killed five persons, including a military commissioner and his son, in Sanquin, Chimaltenango, not far from El Aguacate. The military commissioner is a local civilian employee of the army who acts as a liaison with military units in the area. Survivors said the killers had on previous occasions stolen supplies from Sanquin. One foreign human rights group cited witnesses who alleged the men had "uniforms typical" of the treasury police, a characteristic not uncommon, however, of insurgent groups in the area. Neither the arms, the area, nor the method of operation are those used by the treasury police. The case remained unsolved at year's end.

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Another multiple killing took place in September, which also involved a military commissioner as a victim, and occurred near Iztapa, Escuintla. Armed men attacked the commissioner's home, killing six visitors. Initial suspicion fell on guerrillas in the Escuintla area, but the case remained unsolved.

Although several members of the security forces faced trial for common crimes, including armed assault and murder, the Government was either unable or unwilling to apprehend or prosecute those involved in extrajudicial killings. One exception was the resolution of the 1987 murders of two university graduates in Quetzaltenango. Rejecting an appeal of a 1988 conviction, in August 1989 a court reaffirmed 30-year sentences for the former Quetzaltenango police chief and five of his men who were convicted of the crime.

b. Disappearance

Disappearances, many of which ended in death, proved to be the most controversial human rights issue in Guatemala in 1989. Despite promises of action by government officials, including the President, authorities did not solve numerous apparently politically motivated disappearances, fueling concerns about the State's ability to maintain public safety. Human rights groups charged there were hundreds of disappearances, either occurring since the current Government took power or remaining unsolved from previous years. Amnesty International (AI) listed over 220 unresolved disappearances from January 1986 to June 1989. The Government provided a report discussing 83 of those cases, in which some were accounted for by initial reports deemed false, others by emigration, and a few by discovery of dead victims. In others, victims were released by their captors, and some cases remained inconclusive. Some local human rights observers characterized the report as evincing a somewhat more positive official attitude towards disappearances; they credited AI and the Guatemalan Congressional Human Rights Commission for inducing the Government to prepare a response, even if incomplete. The Human Rights Ombudsman reported 203 disappearances in 1988, of which 55 ended in death. The Ombudsman claimed that of the cases listed by AI as disappeared, 114 were resolved, most by the reappearance of the claimed victim alive and well. In late September, the Supreme Court of Justice agreed to begin passing daily lists of police arrests and writs of habeas corpus to the Congressional Human Rights Commission, a practice which could facilitate a search for missing persons.

On March 15 Lucia Guadalupe Avila De Estrada, a leader of a group of workers who attempted to form a union at the Bonin Laboratories, was briefly kidnaped but later released. Her abductors told her that she and her family would be killed if she remained active in the prounion group. She resigned from her job. The Government attempted to obtain an arrest warrant for security guards at the laboratory who were suspected of being involved in her kidnaping, but the courts found that they did not have sufficient evidence.

In April and May, six members of the Rurujel Junam Council of Ethnic Communities (CERJ), a largely indigenous group opposed to obligatory service in civil defense patrols, disappeared in three incidents. Two were found to have been drafted into the army. The four still missing reportedly were taken on two different days in early April in a conflictive area of Suchitepequez Department by armed men with blackened faces. A

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witness to one incident reported that the kidnapers wore olive green uniforms; he assumed they were soldiers. The National Police and the Human Rights Ombudsman looked into the events but reached no conclusions. The President's Advisory Commission on Human Rights concluded that someone might have thought the four were guerrillas and extrajudicially executed them. The army denied responsibility.

The Department of San Marcos, a zone of considerable conflict and opium cultivation, averaged about three disappearances a month in 1989. Most of these occurred in ways and places making it impossible for investigators to establish basic facts. Some of those missing might have been killed in combat, taken in drug-related incidents, kidnaped, or forcibly recruited by guerrillas. Although the army denies responsibility, involvement by military personnel in at least some of these cases seems certain. One such case was the July 6 disappearance of Preciliano Rafael Velasquez in San Rafael de la Cuesta. According to available information, armed men in a truck with Salvadoran license plates apparently took Velasquez to the San Marcos military zone command for questioning about a guerrilla presence on the estate he managed. Two earlier kidnappings similar to Velasquez's were those of Eulalio Ambrosio (June 16) and Joaquin Lopez (June 5 or 6). In both of these, witnesses saw armed men seize the victims. His son claimed to have seen Ambrosio, General Secretary for San Marcos of the Social Democratic Party (PSD), being taken to the military zone command. Velasquez and Ambrosio remain missing; Lopez's body was found 2 weeks after he disappeared. In another case, the military commissioner, Aquilino Lopez Escobar, was reported taken from his home in El Tumbador, San Marcos, September 19 by men in olive green uniforms. Lopez's brother, who apparently witnessed the event, in this case blamed the guerrillas.

Aurelio Lorenzo Xicay, a member of the Mutual Support Group (GAM), was found dead on July 25, 2 days after his disappearance in the capital. Human rights groups accused security forces of involvement in this unsolved crime. Another reported kidnapping of a GAM member was that of Maria Rumualda Camey. Armed men took Rumualda from her Escuintla home on August 14; her fate remains unknown. Human rights groups charged security services with her kidnapping. In late September, 10 of Rumualda's relatives, including her husband and children, left for Spain.

The disappearances of 10 San Carlos University evening students between August 21 and September 10 drew much attention. The reported victims were either currently or previously active in the University Students' Association (AEU). Several of the victims apparently participated in support of the massive teachers' strike which took place earlier in the summer, following which a self-described anti-Communist group began a campaign of terror and death threats against university students and professors (see Section 2.a.). On September 10, the bodies of four of the students, bearing signs of torture, were found near the University's Guatemala City campus. On September 19, the body of a fifth, discovered 4 days earlier, was identified in a town 40 miles outside the capital. The other five remained missing. Popular suspicion fell primarily on rightwing extremists and the security forces. Many local observers concluded that the security forces, or persons within them, conducted a "counterinsurgency" operation aimed at preventing a rebirth of guerrilla movements at San Carlos. An October

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report by Americas Watch (AW) termed the government response to the killings "inadequate," and declared that the manner and pattern of the incidents "strongly suggest" either involvement or acquiescence of the security forces. Official efforts to solve the crimes yielded no results by year's end. Following these events, several other students went abroad. In December, another student, Marco Tulio Montenegro, was found murdered 2 days after having been expelled from the University Students' Association.

Some disappearances had less grim endings. One student, Lemus Godoy, listed initially by GAM and AEU as missing, personally denied the reports. A GAM member, Miguel Morales, allegedly kidnaped August 23, appeared unharmed 2 days later; his captors reportedly apologized for "making a mistake." In September two students reported that they had been kidnaped and held briefly, during which time they received death threats. The son-in-law of Christian Democrat presidential hopeful Rene de Leon also was seized, beaten, and abandoned hours later--bruised but alive.

While the Government claimed that it did not have the resources or capability to investigate disappearances, it quickly rescued a young upper-income student kidnaped in October (in what was apparently a criminal incident for ransom) and captured some of the alleged kidnapers, demonstrating that it could, on occasion, mobilize itself to effective action.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Credible, verifiable reports of inhuman or cruel treatment of detainees in official custody remained rare. The police leadership engaged in ongoing efforts to curtail such abuses, apparently with some success. The Human Rights Ombudsman charged, however, that prison conditions themselves constituted cruel and inhuman treatment, and bore at least partial responsibility for the March uprising at Pavon prison near Guatemala city. The prison director, in a statement to Congress, admitted conditions at Pavon were difficult, citing severe overcrowding, lack of medical care, bad nutrition, and unsanitary conditions.

Reports of brutality by the military were more frequent, but generally uncorroborated. Some alleged victims reported that they had suffered degrading treatment by civil defense patrols or military commissioners.

Another report of alleged torture under investigation is the case of Sister Diana Ortiz, an American Ursuline Sister. She disappeared on November 2 from the Posada Belem religious retreat in Antigua, located about 40 kilometers outside Guatemala City, and reappeared on the morning of November 3 in the capital. She declined to discuss what had happened to either Guatemalan or U.S. Embassy officials prior to her departure from Guatemala for the U.S. on November 5. In a statement later submitted by the Ursuline Order on behalf of Sister Ortiz, she stated that she was kidnaped by several men, taken to an undisclosed location, beaten, sexually abused and burned with cigarettes. The Government of Guatemala opened an investigation of the case and requested additional information on the incident from Sister Ortiz. As of year's end, Sister

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Ortiz had not acceded to the request. The perpetrators have not been identified.

d. Arbitrary Arrest, Detention, or Exile

Allegations of arbitrary arrest or detention by police (as distinct from the security forces) are infrequent in Guatemala. Under the Constitution, a person cannot be held for more than 6 hours without being brought before a judge and formally charged with a crime.

An arrest warrant is required from the criminal court when an accused is not apprehended in the actual commission of a crime. The law also limits to 20 days the time a person may be held for investigation, after which he must be charged or released. Additionally, the law incorporates a constitutional protection against illegal detention and requires the personal appearance of any person who is illegally detained or whose freedom is threatened in any way. Other protections include a system of bail and access to lawyers. Involuntary exile is not used as a punishment.

There were no known instances during 1989 in which critics of the Government were formally arrested for political reasons. The Human Rights Ombudsman charged that there were "secret" jails, off-limits to the Ombudsman and other investigators, that did not respond to writs of habeas corpus. Military and police officials denied this. There were credible reports, however, that the security forces have "safehouses" where they conduct illegal interrogations of persons not formally arrested and where they sometimes torture and/or kill detainees. Relatives of suspected rightist terrorist Mario Roberto Martinez Pena charged that police arrested Martinez at 3 p.m. September 15 but did not bring him before a judge until 11:30 p.m. and that neither they nor his attorney knew Martinez's whereabouts during that time. The police replied that they obeyed all legal norms. The suspect and a colleague were released in November when a judge found insufficient evidence to bring them to trial.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for a court of constitutionality, a supreme court, a court of appeals, and several other courts of special jurisdiction. Military courts have jurisdiction only over military personnel. Civilian trials are public; defendants have the right to be present and represented by an attorney. Law students often provide state-funded legal services to indigent defendants. The Court of Appeals automatically reviews convictions. The judiciary in 1989 continued to work to increase its capacity to deal with cases of both ordinary and political violence. "Model" courts were established in urban and rural areas as a pilot project. New techniques and procedures, including prioritization of cases, bilingual capacity in indigenous areas, and other innovations are being developed to try to overcome the historic problems of corruption, favoritism, understaffing and lack of training that have hindered the effective administration of justice.

In June Eleodoro Sal Siquinajay admitted, in an army-sponsored press conference, that he belonged to the ORPA unit responsible for the 1988 El Aguacate massacre and to kidnaping and killing a missing resident of El Aguacate. Persons who

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saw Sal after the press conference, however, reported that he had recanted his statement and charged army pressure was behind the confession. Some observers expressed concern that the press conference violated Sal's rights: he had not come before a judge within 6 hours and had been forced to incriminate himself. On September 26, Sal was found not guilty of kidnaping and murder; he received 2 years in prison and a fine of \$18 for theft and illegal possession of a handgun.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of home, correspondence, and private documents. This provision seemed to be generally respected. Critics charged, however, that Civil Defense Patrols were a form of forced membership in an organization. The evidence on the patrols, however, was mixed. In most areas that still had the patrols, participation appeared to be voluntary; in the conflictive areas of Quiche and Huehuetenango, however, the degree of voluntarism was open to serious question. While the military has denied allegations that it threatens or persecutes rural villagers or groups that actively campaign against the patrols, a number of such activists have disappeared or been subject to other abuses.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

A nearly 30-year-old guerrilla conflict continued throughout 1989. Some human rights groups charged the Government with indiscriminate use of aircraft and artillery by the military against civilian populations; allegations of "carpet" bombing, strafing, and heavy artillery barrages, however, were not generally credible given Guatemala's small air force and limited artillery resources. While little information exists on treatment given captured guerrillas, there are unconfirmed reports that they have suffered physical abuse and even death at the hands of their military captors. Similar reports indicate that guerrillas also engaged in such practices with captured soldiers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, and there were no government-sponsored efforts to restrict it. Vocal critics of the Government received widespread media attention throughout 1989. The three major newspapers maintained strongly antigovernment editorial policies throughout the year; one openly supported a rival party. Press releases and advertisements by guerrilla groups and other opposition groups were frequently run by the press with no government retaliation. Foreign films, books, television programs (most via cable), magazines, and newspapers were available. The Government did not interfere either with foreign radio broadcasts or the activity of foreign journalists, even those critical of the Government and the military.

In August a customs official seized 12 books mailed to CERJ leader Amilcar Mendez. Mendez petitioned the Human Rights Ombudsman who ruled in his favor; the books were given to Mendez with apologies from the customs service.

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In spite of official respect for freedom of expression and press, reported threats and acts of violence against the media increased significantly in 1989. The transmission tower of a television station was bombed in July, killing a technician. The explosion occurred the night the station was to broadcast a widely publicized exclusive interview with Nicaraguan President Ortega. The interview never aired. A car belonging to the coowner of the largest radio network was bombed outside his home, also in July. Elements of the security forces acting on their own were widely believed responsible for both actions, but the perpetrators have not been apprehended. The magazine *Por Que* ceased publication after the publisher and other staff members were threatened; some left Guatemala. The magazine had strong ties to Danilo Barillas, the Christian Democrat politician who was murdered in August (see Section 1.a.). Other journalists also reported receiving death threats and some reportedly left Guatemala. Despite the closing of *Por Que*, the number of publications and media outlets grew in 1989, continuing a trend established with the return of elected government.

While journalists continued to exercise self-censorship on topics such as the insurgency and political violence, they criticized the military more openly than ever in the past. The navy's mishandling of a boat accident in January, in which over 100 persons died, drew vigorous press scrutiny and criticism. This attention--despite some apparent initial efforts to cover up the incident--pushed the Government into admitting official malfeasance. The media responded strongly to public criticism leveled against them by the Minister of Defense. The same reaction greeted President Cerezo's address to the nation in which he sharply criticized specific media organizations. The furor abated only when President Cerezo visited those organizations and firmly restated his support for a free and independent press.

Students and some faculty members of San Carlos University in Guatemala City were subjected to threats, kidnappings, and murder in a wave of violence in August and September (see Section 1.b.). The victims were accused by a group calling itself the "Secret Anti-Communist Army of San Carlos University" of having links to guerrilla organizations. The intimidation temporarily shut down night classes on the campus and effectively dissolved various student associations.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of peaceful assembly and political association. Parades, rallies, and demonstrations were held frequently during 1989. By law, organizations must obtain legal association status from the Government, a cumbersome procedure. Labor, religious, student, human rights, and charitable organizations operated legally, including those with foreign ties. The lack of legal association status did not prevent numerous other organizations from operating openly.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion. Religious freedom is provided for in law and realized in practice. While 70 percent of the population is nominally Catholic, many Indians mix traditional

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and Catholic beliefs. A large number of other religious denominations have an active presence; 25 percent of Guatemalans adhered to Protestant denominations, many with ties abroad. Generally, foreign priests and missionaries worked without interference. Guatemala has small Mormon, Jewish, Baha'i, Buddhist, and Islamic communities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict foreign travel; critics traveled freely. The Government does not revoke citizenship for political reasons. The return of one exile group, the United Representatives of the Guatemalan Opposition, however, amid considerable press and television attention, resulted in their allegedly receiving death threats. The group went abroad again after a car bomb was discovered and defused near their residence.

Freedom of movement within Guatemala was generally unhindered except in some conflictive areas. In guerrilla-controlled villages of northern Quiche (known as Popular Communities in Resistance, the Guerrilla Army of the Poor (EGP) maintained tight control over travel. Threats and violence, including the use of land mines, severely restricted movement into or out of these areas. The army also restricted movement in some conflictive areas.

Guatemala remained a refuge for thousands of Central Americans. Over 30,000 Nicaraguans and unknown numbers of Salvadorans were reported to be in Guatemala. Guatemalan refugees returning from Mexico numbered around 900 through September, a rate half that of the previous year. Some refugees returned once again to Mexico, primarily for economic reasons. The Mexican Government, however, denied press reports of a mass migration back to Mexico by Guatemalan refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guatemalans have the right to change their government by democratic means. There is universal suffrage. The voting age is 18 and voting is by secret ballot. Vinicio Cerezo of the Christian Democratic party (DCG) won free and fair elections in November 1985 and became President in January 1986. While slightly more than half of the 100 congressional deputies were DCG, 10 other parties, ranging from far right to moderate left, also are represented in the legislature. Congressional debates were lively and well-covered by the media; on occasion the Congress asserted itself, most notably by exercising its constitutional right to deny the President authorization to travel abroad, holding "no confidence" votes against government ministers, and rejecting the Government's 1990 budget. New national elections are due in 1990, and political party activity was intense during 1989. Some 20 parties will seek to participate in the 1990 elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not hinder international human rights organizations working in Guatemala. Senior officials met

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representatives of such groups, including AW and AI, to discuss the human rights situation in Guatemala.

The constitutionally created office of the Human Rights Ombudsman was active during 1989; pronouncements by that office, including those highly critical of government performance in handling the investigation of the November 1988 El Aguacate massacre and of authorities' efforts to solve disappearances, were widely disseminated by the media.

The Congressional Commission on Human Rights, also mandated by the Constitution, increased its activity despite meager resources. The Commission pressed for reappointment of a U.N. Human Rights Rapporteur (Guatemala has been subject in the past to UNHRC scrutiny) and was successful in obtaining from the Government requested lists of arrested persons. The President's Advisory Commission on Human Rights, apparently concerned primarily with defending abroad the Government's human rights record, achieved little during the year in advancing the cause of human rights.

The International Committee of the Red Cross (ICRC) opened an office in Guatemala in January 1988, but by the end of 1989 it had not yet reached agreement with the Government on carrying out its full range of humanitarian activities. It did conduct a limited program, including an educational program for the Army.

Despite official tolerance, some foreign and local human rights organizations and personnel suffered violent attacks from assailants assumed to have links to the security forces or rightwing groups. The office of one small local group, the Commission for the Investigation, Study and Promotion of Human Rights (CIEPRODH), was shot at in January. Explosions damaged the offices of the GAM and the Peace Brigades International in August. In December three Peace Brigadists, including a United States citizen, were stabbed by unknown assailants. Throughout the year GAM members reported receiving threats and were targets of violence, including kidnaping and murder. The leader of CERJ alleged receiving numerous threats and charged that unknown persons tried to run his car off the road. In late December, the offices of the ICRC were damaged by a grenade blast.

Several nongovernmental human rights groups published reports in 1989 on conditions in Guatemala; the reports were based primarily on field work and interviews conducted openly in the country. One group, although highly critical, thanked the Government for allowing its "observation of the National Police in a manner and degree unknown under previous military regimes."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

About half the population is culturally indigenous, the other half ladino. While possessing equal legal rights, indigenous people generally continued to be outside the national economy, culture, and language. The brunt of the fighting in the guerrilla conflict fell on indigenous people: young rural men were much more likely to be drafted into the army or forcibly recruited into guerrilla bands than their urban Westernized counterparts. Both sides fielded largely Indian forces led principally by ladino officers; most combat occurred in indigenous areas. The majority of victims of disappearances

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and extrajudicial killings were indigenous persons. On the positive side, some progress, particularly in nontraditional agriculture and bilingual education, was made to provide Indians a somewhat higher standard of living in the future. A few Indians held public office, including as congressmen and mayors; some are serving as Army officers.

Women are increasingly active in the country work force, but discrimination on the basis of sex in the workplace continued. Jobs were often advertised on the basis of sex, and women typically received lower wages for the same or similar job. There are no organizations devoted to women's issues and, with the exception of Mrs. Cerezo, there are no prominent persons involved with the issue.

Violence against women, including domestic violence such as wife beating, is common but does not receive much attention from the Government, public, or press. Such abuse, including criminal sexual violence, often goes unreported by victims and is not considered a high priority for law enforcement. Police are reluctant to intervene in what is frequently considered a domestic affair. Few cases of rape are brought before the courts.

Section 6 Worker Rights

a. The Right of Association

Workers have the legal right to join a union of their choosing. Procedures for obtaining legal status for trade unions are those adopted in the wake of the 1954 coup and are cumbersome. In 1988, 66 unions obtained legal status and a similar number will have done so in 1989. The newly formed unions were mostly in the public sector, which was guaranteed the right to organize by the Constitution. Despite the increase, only about 8 percent of the country's work force is unionized.

The law allows several unions in the same company; some union leaders complained that parallel unions undermined their members' interests. There were allegations that the Government favored unions with ties to the governing Christian Democratic party (in the case of the port workers in Santo Tomas de Castilla, there was evidence that this accusation was accurate).

There is an active Solidarismo movement in the country. While leaders of the movement claim that it is a legitimate form of worker organization, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and the International Confederation of Free Trade Unions (ICFTU), and other international trade union organizations contend that Solidarismo is an employer-inspired alternative to independent trade unions. The Ministry of Labor has thus far refused to register Solidarismo organizations as unions.

The Constitution provides for the right to strike, but procedures for a legal strike remain cumbersome. Most strikes simply occur without legal permission. In practice, the Ministry of Labor makes no effort to obtain a judicial determination of their legality. A notable exception was the 66-day teachers strike which was formally declared illegal. In the end, teachers agreed to return to work but accepted a settlement which cost them half a month's pay. They were the

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first public sector employees to lose money through an unlawful strike.

Unions may form federations and confederations and join international bodies. The Confederation of Labor Unity is affiliated with the ICFTU and its Latin American Regional Labor Organization. The Latin American Confederation of Labor also had a local affiliate, the General Confederation of Guatemalan Workers. While no labor unions openly acknowledge ties with the Communist-controlled World Federation of Trade Unions (WFTU), some in the Guatemalan Confederation for Labor Unity receive aid from the WFTU, Cuba, or Nicaragua.

Labor leaders are often identified by human rights groups as the victims of threats, disappearances, and murder (see Sections 1.a. and 1.b.). Many were lower level labor activists, and there is not a clear explanation why they have suffered most of the violence. Local factors such as a plant manager's antiunion sentiment were responsible for some of these abuses. The kidnaping of Lucia Guadalupe Avila de Estrada (Section 1.b.) was linked to her union activities. The Labor Ministry and the Labor Courts do not normally involve themselves in cases of threats, disappearances or murders.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) recognized the establishment of a tripartite commission to update the labor law and reiterated its request that the Government bring provisions of its Labor Code into conformity with Convention 87 on Freedom of Association, in particular those provisions which currently place unions under strict government supervision; impede unions' participation in politics and sanction those that do participate; and prohibit strikes by agricultural workers and otherwise unduly restrict the right to strike. At its November 1989 meeting, the ILO Committee on Freedom of Association urgently appealed to the Government to submit information regarding a new complaint against the Government alleging violation of Convention 87.

b. The Right to Organize and Bargain Collectively

According to the Labor Ministry, there were 70 to 80 collective bargaining agreements in force in 1989, and they covered only a fraction of the organized work force. Many public sector unions were negotiating their first contract. The greatest obstacle to organizing was discriminatory antiunion actions by employers and others. Workers who sought to form unions were sometimes fired; others quit and went abroad as a result of threats. It was common for courts to issue injunctions to force companies to obtain judicial authorization before firing employees. Companies which ignored the law faced only the token punishment of small fines.

The law allows workers to appeal discriminatory firings and provides for separation pay for those who lose their jobs. In practice, however, the labor courts remained overburdened and legal remedies were slow. The courts have often not been able to reinstate dismissed employees.

Guatemalan labor laws are based on constitutional provisions, and there are no areas of the country that are outside their jurisdiction. A new law authorizing the creation of export processing zones specifies that all labor codes apply in them. In its 1989 report, cited above, the COE noted that the

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Constitution grants freedom of association and collective bargaining to all workers in the public and private sectors and expressed its satisfaction with a decree setting forth procedures for the exercise of the rights to organize, bargain collectively, and strike in the public sector.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor and it does not generally exist. Some local and foreign human rights groups charged, however, that coercion was used in some areas to ensure a suitable number of "volunteers" for the civil defense patrols. There have also been isolated cases of alleged compulsory labor outside of the routine activities of the civil patrols but no pattern to these instances has been established.

d. Minimum Age for Employment of Children

The Constitution prohibits the employment of children under the age of 14 years. In the industrial sector, where government labor codes were enforced, child labor did not appear to be common. In the informal sector, this regulation, as well as others, was not effectively enforced. In 1989 it was common to see children employed as street vendors, begging for money, or watching and washing cars. In rural areas, entire families worked. Migrant laborers, particularly those from the indigenous highlands, often bring their families with them and spend several months away from their homes, interfering with the children's education.

e. Acceptable Conditions of Work

The Constitution provides for a 44-hour workweek. While occupational safety and health regulations existed, they were not always enforced effectively. The minimum wage for farm labor was \$2 per day, though there were a number of higher minimum wages by employment sector in urban areas. Ministry of Labor data show that 85 percent of Guatemalan families did not have enough income to meet basic needs and that 72 percent lived in extreme poverty. Minimum wages were raised in 1988 for the first time this decade; no raise took place in 1989.

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The Cooperative Republic of Guyana, a member of the Commonwealth of Nations, is a small, multiracial developing nation located on the South American continent; culturally and politically it is considered a part of the Caribbean. A unicameral Parliament is chosen by direct election in a multiparty political system. The head of the majority party in Parliament serves as Executive President. Under the 1980 Constitution, parliamentary, regional, and municipal elections are held at least every 5 years. The People's National Congress (PNC), currently led by President Hugh Desmond Hoyte, has dominated political life since the 1964 elections. The opposition parties boycotted the November 1989 municipal elections, alleging that they would not be free and fair due to ruling party control of the electoral machinery.

Guyanese society and political life are influenced by differences between the ethnic Afro-Guyanese and Indo-Guyanese. Urban Afro-Guyanese dominate the ruling PNC, the Guyana Police Force (GPF), the Guyana Defence Force (GDF), and other security forces; Indo-Guyanese predominate in the agricultural and business sectors.

The Guyana Police Force has primary responsibility for maintaining law and order throughout Guyana. In addition, the Customs and Excise Department, and various branches of the Special Constabulary, have arrest authority within certain well-defined limits. The Police and Constabulary, the GDF, the Guyana National Service, the Guyana People's Militia, Guyana Prisons Service, and the Customs and Excise Department, are directly responsible to the civilian Government.

Public corporations control two of Guyana's major export industries, sugar and bauxite, which employ about 17 percent of the work force. The third principal export industry, rice, is primarily in private hands. Despite the Government's efforts to enhance the role of the private sector and encourage private foreign and domestic investment, the economy continued to be plagued by external debt, sluggish growth, and a deteriorating infrastructure. On March 31 the Government began an economic recovery program with the assistance of the International Monetary Fund and the World Bank. The program included an immediate 70-percent devaluation of the Guyana dollar, which drastically reduced real income and sparked public protests.

Human rights concerns in Guyana continue to center on police abuse of persons arrested, limitations on press freedom, and questionable electoral practices. Although the improved atmosphere noted since the 1985 change of PNC leadership following the death of Linden Forbes Burnham has continued, several unions which exercised the traditionally recognized right to strike in 1989 suffered reprisal from public sector employers, and the authorities showed little tolerance for a new labor umbrella organization which challenged government policies.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No politically motivated or governmentally instigated extrajudicial killings are known to have occurred. Summary executions do not take place.

b. Disappearance

There were no reports of politically motivated disappearances, clandestine detentions, or abductions.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

While torture is prohibited by the Constitution, the Guyana Human Rights Association (GHRA) has expressed its concern over "the use of violence by the police and its apparent acceptance by society at large." It has also stated its belief that "those responsible for excessive violence constitute a small element within the force as a whole." Police regulations require internal investigation of all charges of abuse, and in the past some police officers have been disciplined or fined. In 1989 no police officers were disciplined or fined as a result of police investigations of brutality, although some were reportedly punished for corruption. The Director of Public Prosecutions did not prosecute any police on charges of brutality during 1989. On June 9, the legislature passed the Police Complaints Authority Bill which provides for the establishment of an independent Police Complaints Authority consisting of one person qualified to be a puisne (inferior) judge of the high court and two assistants. Although the Authority itself will have no investigative powers, it will supervise police investigations of specified cases of misconduct or serious crimes alleged to have been committed by members of the police force, and will make annual reports to the legislature.

Civil and criminal suits may be brought against police officers by private citizens, but critics charge that police discourage complainants from bringing suit. One case, in which it is alleged that a prisoner died while in police custody in 1986, was in court at year's end.

The GHRA noted in 1989 its concern with reports of inadequate nutrition for prisoners in the nation's penal system.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person may be deprived of personal liberty except as authorized by law, and also calls for judicial determination of the legality of detention. Some opposition politicians allege that the arrests of party and union activists during the May 1989 sugar strike was a politically motivated act of intimidation. The Government states that the arrests were part of an investigation into cases of arson. Most arrestees were released without charge.

In an ongoing treason case, three People's Progressive Party (PPP) activists state that they were held incommunicado from their alleged arrest on April 28 until a writ of habeas corpus

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was filed on May 3. On August 14, however, the magistrate presiding over the case accepted the statement of the police that the three were not in fact arrested until May 3.

On December 6 the National Assembly voted to repeal the National Security Act, which permits the detention without charges for up to 3 months of persons who are deemed (by officials at the ministerial level) likely to act "in any manner prejudicial to public safety or public order or the defense of Guyana. At year's end, actual repeal was in the legislative process and the Act remained in force. No one has ever been detained under these provisions of the Act.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Under Guyana's British common law system, the Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law, and this right is respected in practice. Guyana has a functioning bail system, and defendants are granted fair public trials. Defendants are represented by counsel appointed by the court when necessary. Timely charges are presented, and appeal can be made to higher courts. There are no political prisoners or special courts for political security cases. A pending treason case against three men is being heard in the regular court. Some opposition figures have expressed concern over the courts' rulings in certain cases involving government interests, such as in libel suits brought by government officials. Opposition lawyers complain that the judiciary is prone to grant lengthy postponements in trials affecting the Government or law enforcement officials; however, postponements are routinely granted to both the defense and the prosecution. Delays in judicial proceedings are most often caused by shortages of trained court administrative personnel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects the right to privacy. Some opposition politicians have alleged incidents of government surveillance, particularly at meetings and rallies. The National Security Act, which the National Assembly voted to repeal in December (Section 1.d.), permits police of the rank of inspector and above to conduct searches for narcotics and arms without a search warrant but with probable cause. Narcotics laws also permit searches for narcotics without warrants but with probable cause. The laws requiring judicially issued warrants for all other searches were respected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitutional provision for freedom of speech is respected, and Guyanese can, and do, criticize their Government and its policies.

Guyana's public television station, Guyana Television (GTV-10), broadcasts a 1-hour program on Sundays. It also provides a nightly 15-minute news program, which generally presents the Government's point of view but does include coverage of opposition views and events, to the country's two

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private television stations. The two private stations normally broadcast satellite transmissions from the United States, including uncensored network news, but do not produce their own local news broadcasts. The country's only radio station, the government-owned Guyana Broadcasting Corporation (GBC), is selective in reporting the views and activities of opposition parties. Some of the GBC's radio interview and commentary programs allow public criticism of the Government, but, in general, they reflect government policies. The GBC radio station refused, for example, to allow the Anglican Bishop's "Charge to the Synod" to be broadcast on the April 9 "Church Calling" radio program on the grounds that it was not devotional. The GBC similarly refused to broadcast a July 9 Catholic Church program concerning the 1979 murder of Father Bernard Arke. Although there is interest in establishing private radio stations, the Government has yet to implement a licensing procedure allowing for their operation. Foreign and regional radio stations can be heard on medium and shortwave bands.

In the past the Government, through ownership of the country's only daily newspaper and radio station, issuance of import licenses for newsprint and printing presses, and control of most hard currency, maintained varying degrees of control over the media. This control, however, has been easing since 1987. The independent Stabroek News currently publishes twice a week. Newsprint availability remained a problem, but the shortage affected government as well as independent publications. The Guyana Press Association, reactivated in 1988, continued to function in 1989.

Individual members of the Government have sometimes brought libel suits against publishers, which critics claim is to discourage press criticism of the Government. A lawsuit filed in 1988 by individual police officers against the GHRA over its "Brief on Police Violence" is still being heard in the courts. No such libel suits were filed in 1989.

In 1989 the government-owned daily newspaper, the Guyana Chronicle, reduced its previously expanded coverage of news and commentaries that differ from government views, and became more clearly reflective of government positions. Independent periodicals remained free to criticize the Government and its policies. Information on government activities is carefully controlled, although in 1989 government officials were increasingly available to the press through press conferences. The April 1988 Public Corporations Act, which provides for the fining and imprisonment of employees of public corporations who disclose unauthorized information about government activities and operations, continued to be viewed by the media as a restraint. To date, no one has been charged under the law. Guyanese can receive printed materials from abroad without restrictions, but scarce foreign exchange limits their availability. Certain regional newspapers and international news magazines, which often contain criticism of the Government, are, however, regularly available.

The Government's record on academic freedom continued to be good. Several opposition activists in the GHRA and the Marxist Working People's Alliance (WPA) teach at the public University of Guyana, and opposition parties have also organized groups there.

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b. Freedom of Peaceful Assembly and Association

The Public Order Act requires police permits for mass political meetings but allows the police commissioner, at his discretion and without explanation, to refuse permission for a public meeting. In 1989 opposition parties organized numerous rallies and marches, particularly in April, to protest the establishment of the Government's economic reform program. Opposition figures complained, however, that permission to hold rallies and use amplified sound systems was at times arbitrarily denied. Although all requests to hold marches in April during the period of protests against the Government's economic program were denied, several marches took place without incident, while marchers in others were arrested for taking part in illegal processions. Unruly protestors were occasionally arrested but usually released within hours or the next day. The Government imposes no restrictions on private associations, which are not required to be registered and which may maintain relations with international bodies as they wish.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of thought and religion. There is no favored or official state religion. All religions in Guyana are allowed to select their places of worship and are free to maintain links with coreligionists in other countries. Christian, Hindu, Muslims, and Baha'i communities in Guyana practice their religions without restrictions. There are no restrictions on travel for religious purposes, nor on training of clergy, religious publishing, conversion, religious education, or charitable activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within Guyana is provided for in the Constitution. Travel to certain Amerindian areas requires government permission, a regulation dating from colonial times designed to protect the indigenous peoples from exploitation. The GHRA, opposition politicians, and some clergy contend that permits are sometimes denied to missionaries and non-PNC politicians, and that the regulations are being used to maintain PNC influence among the Amerindians. Guyanese are free to travel abroad, emigrate, and to return. Guyana is neither a refugee receiving nor generating country. There are no forced resettlements or displaced persons, and citizenship is not denied on political grounds.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guyanese are free to express their political views and to join or support a variety of political parties, but electoral practices call into question whether citizens in practice have the ability to change the Government. All citizens 18 years of age or older are eligible to participate in the political process and to vote. National and regional elections, by secret ballot, are held at least every 5 years. The leader of the winning party serves as President and forms a Cabinet. Constitutionally, the next national elections must be held by

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early 1991.

Opposition parties vigorously criticize the Government and are free to field candidates for election. Since 1964, however, the People's National Congress (PNC), a predominantly Afro-Guyanese party, has dominated political life through questionable electoral practices. Opposition parties regularly charge the ruling party with fraud. Following the 1985 elections, opposition parties, including the Communist People's Progressive Party (PPP), joined in the Patriotic Coalition for Democracy (PCD). The PCD seeks such reforms in Guyana's election laws as the counting of ballots at the polling places rather than at central counting places. President Hoyte stated in September that he opposed the counting of ballots at polling places on grounds that voters in "ethnic enclaves" could easily be subjected to intimidation. The PCD boycotted the November 1989 municipal elections, stating that current electoral laws were insufficient to guarantee that they would be free and fair. The unopposed PNC slates were declared elected. Thirty-six prominent individuals from a broad cross-section of Guyanese society signed an open letter on electoral reform in August, calling for the creation of an acceptable elections commission as well as election monitoring by local and international observers.

The Integrity Commission, appointed by the Government in 1986 to investigate the need for a code of ethics for public officials, also called for electoral reform, including greater dialogue with opposition parties. In 1989 the PCD requested a meeting with President Hoyte, who agreed to meet a single spokesman to represent the six parties. By year's end the PCD had not agreed on a spokesman. The President did meet during the year with the leader of the recently formed United Republican Party, which is not a member of the PCD.

Political parties are organized generally along ethnic lines, a situation that predates independence. President Hoyte has appointed a number of Indo-Guyanese to ministerial and other government positions and attracted still others to the PNC.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government regards outside criticism of its human rights practices as interference in its internal affairs. The GHRA, the most active local human rights group, functions without government interference. The GHRA is a nongovernmental organization formed in 1979 with support from trade unions, professional organizations, and churches, and it issues periodic press releases and publishes an annual report on human rights in Guyana. It also gathers information from members, victims of abuse, trade unionists, clergy, other interested parties, official documents, and newspapers. A British prisons expert who visited Guyana in 1989 was received by government officials, but was not permitted to examine prisons. The Government contended that its refusal was due to insufficient advance notice.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for fundamental rights to all persons in Guyana. Guyanese society and political life

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continue to be influenced by ethnic differences between Afro-Guyanese and Indo-Guyanese. Guyana has a small ethnic Amerindian population, composed of nine tribal groups, living in scattered reservations throughout the country. Relative to most Guyanese, their standard of living is low. The GHRA has alleged that Amerindians are subjected to government control of their leaders and land titles, as well as limitations on access to their reservations by clergy and other outsiders.

The Constitution prohibits discrimination on the basis of sex and provides women the right to equal pay for equal work. There are no discriminatory family laws or restrictions on women's right to own property. There are no organizations that focus primarily on women's rights. Violence against women, including domestic violence such as wife beating, is considered by many to be a significant problem. However, victims of such abuse oftentimes are reluctant to report it to the authorities or to press charges, and underreporting of incidents of such violence makes it impossible to estimate its true extent. The Government does not condone this practice, but other than providing victims with access to the courts for redress has not recommended additional legislation or other remedial action.

Section 6 Worker Rights

a. The Right of Association

The right of association is provided for in the Constitution, which specifically enumerates a person's right "to form or belong to trade unions." Approximately 88,000 of Guyana's estimated 240,000 workers are organized. Unions are free to choose their own officials. There have been allegations that the Government has attempted to influence the outcome of some union elections, but in general elections are vigorously contested. The views of trade unions and trade unionists are widely publicized in both the government-controlled and independent media. Workers in Guyana have a generally recognized right to strike, but this right is not codified. The sugar and bauxite industries experienced highly disruptive 6-week strikes protesting the March 31 budget, which launched the difficult IMF-monitored economic recovery program, including a 70-percent currency devaluation. The strike ended when workers in both industries returned to their jobs without a formal wage settlement agreement after the Government pledged to seek ways to ameliorate the situation. Public employees providing essential services are forbidden to strike, but a procedure exists for the review of grievances by a tribunal appointed by the Minister of Labor.

Political parties, particularly the ruling PNC, wield significant influence in a number of unions, and political figures often have dual roles as trade union leaders. All 18 actively participating unions in the Trades Union Congress (TUC), the major umbrella labor organization, are either strongly influenced by or affiliated with the PNC. Guyana's largest union, the Guyana Agricultural and General Workers Union (GAWU), is affiliated with the opposition PPP.

Six unions belong to the dissident Federation of Independent Trade Unions of Guyana (FITUG), which was originally formed when these unions plus one other (which later returned to the TUC) walked out of the September 1988 TUC conference in protest against heavy-handed electioneering tactics by PNC activist delegates. FITUG, whose members have not formally

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severed their ties with the TUC, has renewed a longstanding call for reform of the TUC to redistribute internal power and safeguard the independence of the organization from political influence.

FITUG suffered some consequences because it played the major role in protesting against the budget. The Government continued its efforts begun in 1988 to bring the FITUG unions back into the TUC, and several unions which struck during the labor unrest in the first half of 1989 suffered reprisals from public sector employers. In February, the leadership of Guyana's two bauxite unions was temporarily "derecognized" and collection of the union's checkoff dues (as required under the unions' collective agreement) was discontinued by their public sector employer following a FITUG-inspired 1-day protest strike against government policies. A number of teachers who participated in this protest strike were dismissed or transferred to remote sections of the country, and in one instance it was reported that picketing teachers and students were attacked by PNC-connected thugs. In response to a 1-day protest strike in April by a FITUG affiliate, four state corporations dismissed nearly 300 workers and ceased deduction of that union's checkoff dues. Collection of checkoff dues was reinstituted by mid-year for all affected unions, including one whose checkoff dues had been discontinued in late 1988. All but a few of the terminated workers were rehired in their previous positions, and some but not all of the teachers had their dismissals or transfers rescinded.

The trade union movement has only limited influence beyond issues directly related to industrial relations. Unionists and their property are not specifically protected by law. Under the Trades Union Act, property of trade unions is vested in the unions' trustees for the use and benefit of the union and its members.

Unions freely maintain relations with recognized Caribbean and international trade union and professional groups. All three of the global trade union internationals have affiliates in Guyana.

b. The Right to Organize and Bargain Collectively

Public and private sector employees possess and utilize the right to organize and to bargain collectively. In 1987, the most recent year for which figures are available from the Ministry of Labor, 18 collective bargaining agreements were concluded. Although an amendment to the Labor Act gave centralized bargaining power to the TUC in negotiations with the public sector, this law was overturned on procedural grounds in 1987, and the collective bargaining provisions have not been resubmitted to Parliament.

The Chief Labor Officer and his staff at the Ministry of Labor provide consultation services. Disputes are frequently settled through consultation and dialogue without resorting to strikes or other industrial action. During the sugar and bauxite strikes, however, this process did little to help resolve the dispute. There were no known cases of antiunion discrimination. There are no special areas or industries where collective bargaining is impeded or discouraged; labor laws and regulations are applied uniformly throughout the country.

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c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and it does not exist in Guyana.

d. Minimum Age for Employment of Children

Minimum age laws are set out in the Factories Act and the Employment of Women, Young Persons, and Children Act. Under the law, no person under 14 years of age shall be employed in any industrial undertaking, and no person under 16 shall be employed at night, except under regulated circumstances. Government policy, however, is stricter: no one under 18 can be employed outside the family. In addition, the terms "industry" and "factory" as used in the law have been interpreted by the Ministry of Labor to encompass nearly all workplaces except offices and retail shops. According to the law, children under age 14 may be employed only in enterprises in which members of the same family are employed. The Ministry of Labor monitors compliance with minimum age laws.

There are significant numbers of children in Guyana under the age of 14 who engage in street vending and there have been no apparent efforts by the Government to limit this activity.

e. Acceptable Conditions of Work

Hours of employment are set under the Factories Act and vary by industry and sector. Most workers work an 8-hour day and a 40-hour week. The Ministry of Labor monitors compliance with laws on maximum hours. Occupational health and safety standards are also treated under the Factories Act. The Occupational Health and Safety Division of the Ministry of Labor conducts factory inspections and investigates charges of substandard workplaces and conditions. The Ministry of Labor report for 1987 states, however, that this division was hampered by understaffing and inadequate funding.

Despite a 20-percent increase in the minimum wage for public employees, the 70-percent devaluation of the Guyanese currency on March 31, and the subsequent inflation, caused the public sector minimum daily wage to decline from the equivalent of \$2.49 at the official exchange rate to \$.90 per day. The widely used black market rate for U.S. dollars is approximately 40 percent more than the official rate. In September the Government implemented a further 20-percent increase, which brought the public sector minimum wage to the equivalent of \$1.09 per day. This figure is considered inadequate to support workers and their families, primarily because continuing inflation and the recent devaluation have far outpaced wage increases. There is no legally established private sector minimum wage, but private employees' salaries are in almost all cases higher than those of public workers.

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Haiti was ruled in 1989 by a military Government headed by Lt. Gen. Prosper Avril. Noncommissioned officers and soldiers of the Presidential Guard asked Avril to serve as transitional Head of State in September 1988 after they deposed General Henri Namphy, whose flagrant human rights violations had been widely condemned. Although the Government has its power base in the Army, all but one of the cabinet ministers appointed by Avril are civilians. Haiti had no legislative body in 1989. An independent electoral council began work in April to prepare for local, parliamentary, and presidential elections. Local elections were scheduled to begin in April 1990.

The Haitian Army constitutes the state security apparatus. In urban areas, army units serve as police. In rural areas, Section Chiefs, who are approved by the Army but are responsible to the Ministry of Interior, serve as the rough equivalent of local sheriffs. There were credible reports that the army units serving as urban police were involved in a number of human rights violations during 1989; even more abuses took place in rural areas where Section Chiefs were often held responsible. Armed bands, some possibly linked to remnants of the Tonton Macoute militia (the security apparatus of the former Duvalier dictatorship), committed a number of murders.

Haiti is the poorest and most densely populated country in the Western Hemisphere. Poverty, unemployment, and economic inequalities continue to plague all aspects of life for most Haitians. The embargo on most foreign government-to-government aid throughout most of 1989, imposed after disrupted elections in late 1987, further damaged the economy. Economic opportunities remain very limited for most Haitians.

Human rights abuses perpetrated or directed by government leaders were the hallmark of previous Haitian regimes. The Avril Government avoided the egregious violations--massacres and politically motivated killings--characteristic of its predecessors. Also, despite some exceptions, the Avril Government in 1989 generally did not target political and human rights activists nor repress basic civil liberties, such as freedom of expression and freedom of the press. However, in late January, 1990, the Avril Government imposed a state of siege which suspended basic civil liberties, including freedom of the press, and arrested, beat, and deported a number of prominent opposition politicians. This action posed serious questions about the intent of the Avril Government to stand by its commitment to a transition to democracy. Avril continued in 1989 an extensive housecleaning of the military and police, retiring or otherwise removing over 100 officers and enlisted men suspected of corruption or narcotics trafficking. Following an attempted coup d'etat in April, Avril dissolved the Dessalines Battalion, which was a source of numerous human rights violations in the past.

Nonetheless, serious human rights violations persisted in 1989. There were numerous reports of brutality and arbitrary arrest. In many cases, both in the capital and in the provinces, the inefficient and often corrupt judicial system failed to provide a speedy and fair trial to those accused of crimes. With the notable exception of former Macoute Augustin Majeure, who was sentenced in Gonaives in September to hard labor for life, perpetrators of past heinous crimes have not

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been charged, arrested or tried. Few army personnel or Section Chiefs were punished for abuses committed in 1989.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

Political killings clearly sanctioned by high-ranking government officials, such as the massacres and assassinations of political activists that took place under the previous post-Duvalier governments in 1987 and 1988, did not occur in 1989. In November unknown assailants murdered three political activists who were writing graffiti advocating the return of former President Manigat, but there was no substantiated evidence linking these apparently politically motivated killings to government forces. Nonetheless, as in previous years, individual soldiers and rural Section Chiefs committed a number of extrajudicial killings, either for personal reasons, at the behest of private patrons, or in clear abuse of their official powers. The Government announced disciplinary actions against several dozen soldiers and Section Chiefs charged with abuses; one, Lt. Antoine Metellus, was court-martialed and sentenced to a prison term, while others were transferred or relieved of their duties. However, Haitian human rights organizations report that the individuals implicated in the following incidents, chosen for their illustrative and not inclusive nature, have not been arrested or tried:

On May 15, a group of soldiers from the St. Marc barracks accompanied a wealthy landowner, Chardieu Joseph, on a raid against a group of peasants in Grand-Bois, killing one, Registre Charlot. A group of peasants then took revenge by murdering Joseph's mother. The soldiers and Joseph responded with a further attack on the peasant village.

On June 4, the Section Chief of Grande Saline killed two peasants and wounded five others who had been participants in a longstanding land dispute.

On July 11, a group of soldiers from Petite-Riviere-de-l'Artibonite illegally entered the home of a peasant, Joannis Malvoisin, and killed him. Malvoisin had been involved in a land dispute with a wealthy landowner.

On August 25, Port-au-Prince police officer Claudy Joachim shot and killed a man who was leaving the civil courthouse after responding to a lawsuit filed against him by a creditor. Joachim's motive is unknown.

On November 17, three members of the party of former President Leslie Manigat were murdered, allegedly as they were putting up political posters. No perpetrators have been identified, although the Government has opened an investigation.

The phenomenon of "popular justice" continued in 1989. Crowds summarily killed a number of individuals suspected of being criminals or former Macoutes.

Many Haitians criticized the Government for failing to control a growing problem of common crime in Port-au-Prince, some of which involved murders and robberies. There were charges that

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either military or rightwing elements were sponsoring criminal gangs for the purpose of creating a climate of fear and insecurity, thereby justifying continued military rule and repression of civil liberties. Although soldiers were suspected in some of these crimes, the perpetrators were usually unidentified. In an attempt to collect illegally held arms, the Government published lists of former civilian "attaches" of the Dessalines Battalion, many of whom were suspected of being henchmen of rightwing elements within the Army, and summoned them to Army headquarters to turn over their weapons. According to the Government, hundreds of illegal weapons had been collected by the end of the year.

b. Disappearance

There were no credible reports of disappearances in Haiti in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits physical brutality during interrogation and provides for the right of the accused to have a lawyer and witness present during questioning. In practice, however, beatings and other physical abuse of prisoners remain common in Haiti, despite official admonitions to soldiers and Section Chiefs. The following illustrative cases were well documented:

On January 9, soldiers in the Carrefour barracks beat Ernst Louisdor, who had been accused by a sergeant of being a thief. Louisdor was subsequently hospitalized for internal bleeding.

On June 17, Army officers ordered the beating of four members of the Popular Literacy Movement, fracturing the arm of one of them and damaging another's eye.

On August 1, police in Cap Haitien tied up and beat National Popular Assembly (APN) activists Patrick Casimir and Jean-Robert Lalanne following a demonstration.

In late August, police in Port-au-Prince severely beat Jacquet Douyon, a member of a church youth group.

On November 2, three political activists were arrested and beaten. Jean-Auguste Mesyeux, Evans Paul, and Etienne Marineau were battered in appearance when they were paraded on a government broadcast. At year's end, the state prosecutor was preparing to try the trio for attempting to assassinate the President.

None of the perpetrators of the above abuses were disciplined for these abuses, so far as is known.

d. Arbitrary Arrest, Detention, or Exile

Under Haitian law, a person may be arrested or detained if apprehended during the commission of a crime or pursuant to a judicial warrant based on evidence justifying the arrest. All detainees must be brought before a judge within 48 hours to determine the legality of continued detention, according to the law. If the judge determines that a legal basis for the arrest exists, the person may be held for further legal process; otherwise the detainee must be released.

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In practice, a poorly organized and sometimes corrupt legal system more often than not fails to adhere to the law's requirements. Arrests are frequently made without a judicial warrant, and most detainees are held for periods in excess of 48 hours before being brought before a judge. Some detainees are never given the opportunity to challenge the legality of their imprisonment.

Haitian law requires that a suspect be formally charged at least 2 weeks prior to trial, and that the accused be permitted to meet with an attorney before trial. In fact, the absence of a public defender often deprives suspects of this right. There is no legal procedure for posting bail in Haiti. Judges, however, can and sometimes do grant provisional liberty to a prisoner.

Numerous arbitrary arrests, i.e., illegal arrests without judicial warrant, were ordered by Section Chiefs or carried out by rural soldiers who became involved in personal quarrels or land disputes. In a few cases, illegal arrests appeared to be directed against individuals for political reasons, usually after being accused by local authorities of having participated in "Communist" or "disruptive" activities. In each of these cases, the detainees were released after periods ranging from 1 day to 3 weeks. The following cases were among the arbitrary arrests reported by human rights groups during 1989:

On February 6-7, Port-au-Prince police arrested, without judicial warrant, Rockefeller Guerre and Sylvan Jolibois, two opposition figures accused by the Government of participating in a bombing on February 5 during carnival.

On August 14, the Section Chief of Jean-Rabel, Anovil St. Vil, arrested four members of the "Tet Kole" peasant group and incarcerated them in the prison at Port-de-Paix, allegedly for planning violence aimed at avenging the victims of a massacre at Jean-Rabel in 1987.

On August 16-17, soldiers in Champagne arrested 23 members of a militant opposition group, the National Popular Assembly (APN), allegedly for "Communist activities."

On August 20, soldiers in Labaret arrested three members of the Labadie Youth Movement (MJL) during a concert. On July 10, the police had arrested four persons accused of being members of that organization.

On November 22, the Army arrested 13 members of the League of Former Haitian Political Prisoners (LAPPH) in Anse-A-Pitres, allegedly for "disruptive activities" such as inciting the population to join a hunger strike in support of three imprisoned activists. Eleven were released about a week later; one was still held by the Army, and one was in the hospital due to injuries inflicted by army interrogators. Three other LAPPH members, including its Secretary-General, Gaston Jean-Baptiste, were also detained for several days in November.

The Constitution prohibits deportation or forced exile of Haitian citizens. With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The Constitution establishes an independent judicial branch of government and provides for the right to a fair public trial, but chronic weaknesses in the judicial system, and sometimes interference by elements of the executive branch, can deny this right in practice. Many cases never reach the trial stage, and cases that do go to trial are often unfair because of corrupt or incompetent judges and the absence of defense attorneys. The Minister of Justice has been instructed to prepare an in-depth reform of the judicial system. In September he signed a contract with a private organization to provide education for the public and local judicial officials on their legal rights and responsibilities. The Government acknowledges that Haitian prisons have long held and continue to hold numerous detainees who were never publicly tried or convicted of any crime. The Minister of Justice ordered the release of 82 such prisoners from the National Penitentiary in May.

Arraignments and trials are held in public and sometimes receive extensive media coverage. By law, defendants have the right to be represented by a lawyer. Lengthy delays and outside influence on judges and other judicial officials, however, often effectively limit the accused person's exercise of the right to a fair trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

During 1989 there continued to be incidents in which police or Section Chiefs entered private homes without the required judicial warrant in search of suspects or illegal arms. Soldiers or members of the Presidential Guard searched homes without warrants looking for an ex-Sergeant allegedly involved in coup plotting. The home of Human Rights League president Joseph Maxi was searched on November 1 and 3 (Maxi himself went underground on the second occasion), and the home and offices of a peasant leader were searched on November 9. Although such searches continued despite legal sanction, systematic invasions of privacy, family, or correspondence did not occur in Haiti in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression for all citizens is provided for by the Constitution. There are several privately owned newspapers and radio stations, including influential stations owned and operated by the Protestant and Catholic Churches. A privately owned cable television system also operates independently. The Government operates a newspaper and a national radio and television station.

Privately owned print and broadcast media in 1989 often expressed editorial views critical of the Government and freely reported the activities and declarations of government opponents. The Government imposed no censorship of the media. Several incidents of harassment of journalists by soldiers took place. There was no evidence that these incidents were part of any systematic effort to intimidate the free press; on the other hand, there was no known instance of soldiers being punished for such abuses.

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During the attempted coup d'etat in April, soldiers of the Presidential Guard were reported to have severely damaged four radio station transmitter facilities in Port-au-Prince. President Avril subsequently apologized to the owners of these radio stations but denied that the incident occurred under official orders.

On February 15, soldiers from the Dessalines Battalion, apparently out of the control of their officers, struck several journalists who were covering a youth group demonstration in Port-au-Prince and confiscated some of their cameras and tape recorders.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly and association. Numerous political, human rights, and socioprofessional organizations were active in Haiti in 1989, and most operated without interference from the Government. Some rural military officials and Section Chiefs attempted to prevent peasant groups from holding meetings without obtaining advance permission from local authorities. In the village of Labadie, for example, local military officials insisted on being present at MJL meetings, citing security concerns as the justification for this policy. Human rights organizations contend that this practice represented an attempt by the local authorities to monitor and intimidate the group. Various human rights groups claim that the military or Section Chiefs continue to deter citizens from speaking out against the Government.

Mass demonstrations were few in 1989. Several proposed demonstrations, such as an anti-imperialist march called by the APN in Port-au-Prince on July 28, failed to materialize due to poor attendance. Police dispersed some demonstrations, including those protesting anticontraband measures in January, but other rallies and meetings took place unhindered, such as an antigovernment rally of human rights and political groups in the National Theater on April 26.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religion is an integral part of Haitian life and culture and is practiced widely without interference from the Government. Roman Catholicism is embraced in varying degrees by about 75 percent of the population. Voodoo, a mixture of African animism and Christianity, is also practiced by a majority of Haitians. Various Protestant denominations and foreign missionary groups openly proselytize in Haiti. There are no government restrictions on missionary activities, affiliations with overseas coreligionists, or religious instruction and publishing.

Attacks on churches, a series of which took place under the Namphy Government in 1988, did not recur in 1989.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the Government does not normally restrict domestic travel of citizens or foreigners, an irregular network of military checkpoints operates across Haiti. On occasion,

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additional vehicle checkpoints are established, generally to check for possession of weapons or for vehicle and driver documentation. There are no restrictions on persons changing their residences or places of employment. Every Haitian citizen is eligible for a passport, and travel documents are neither issued nor denied on the basis of political considerations.

Migrants continue to leave Haiti bound for destinations in more prosperous areas of the Caribbean or North America. Pursuant to a 1981 agreement with the Government of Haiti on the interdiction of undocumented migrants, approximately 4,300 would-be illegal migrants to the United States were repatriated to Haiti from international waters by the U.S. Coast Guard in 1989. U.S. Immigration and Naturalization Service officers on board the Coast Guard vessels interviewed those interdicted to determine if any were potential applicants for political asylum. The overwhelming majority expressed only economic reasons for seeking to leave Haiti.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government through elections, but, in practice, Haitians did not, in 1989, enjoy this right. Following the 1986 overthrow of the Duvalier dictatorship, violence and coups d'etat disrupted the electoral process in 1987 and 1988. President Avril has promised to restore elections and, as a first step, in February convened a forum, in which representatives of 28 political and labor groups participated, to determine the composition of an independent electoral council. The Council was subsequently created in accordance with the forum's recommendations. In September the Provisional Electoral Council (CEP), after consulting with groups and individuals across Haiti, announced an electoral calendar for local, legislative, and presidential elections during the period from April through November 1990. The Avril Government endorsed the schedule and has promised to abide by it.

According to the 1987 Constitution, all male and female citizens 18 years of age or older have the right to vote. Voting is not mandatory but is noted in the Constitution as a citizen's duty. A secret ballot is not explicitly required. The Constitution provides for a 5-year presidential term as well as checks and balances between the executive, legislative, and judicial branches of government.

In March President Avril restored 262 of the 298 articles of the Constitution. The entire Constitution had been effectively set aside by the previous military government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several local human rights groups operated in Haiti in 1989. The Government does not generally restrict their activities, which include monitoring of violations, providing legal assistance to victims, and holding seminars to educate the population on human rights. Two of these groups published and distributed monthly newsletters detailing human rights violations. However, the Army detained some 16 members of the LAPPH. One of them was hospitalized after being beaten during

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an interrogation. The Army's action reportedly was to prevent the human rights group from opening an office in southeastern Haiti.

During 1989 Haiti received visits from a U.N. Special Rapporteur on human rights, a representative of the International Committee of the Red Cross, and a delegation from Americas Watch and the National Coalition for Haitian Refugees. They met with government officials and numerous private sources.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Ninety-five percent of Haitians are descendants of African slaves who gained their independence from France through a revolution ending in 1804. Most of the rest are mulatto or of European or Middle Eastern descent. Under Haitian law, no distinctions are made with regard to race. Nonetheless, there are longstanding social, economic, and political tensions between blacks and mulattos which date back to Haiti's revolutionary period.

Haiti has two official languages, French and Creole. Virtually all Haitians speak Creole. Approximately 20 percent of the population, mostly members of the educated class, speak French. There is no official discrimination on the basis of language, but some social class divisions are drawn along linguistic lines. Although most printed matter is in French, written media increasingly carry articles in Creole. Creole is the dominant language in radio and television broadcasts.

The Haitian Constitution makes no distinction between civil and political rights of men and women. The role of women in Haiti is limited by tradition, but there is no official discrimination between the sexes. Women enjoy legal rights in education, property, and voting.

Violence against women occurs with some frequency although a lack of statistical data makes it impossible to determine its true extent. Such abuse is not sanctioned by the Government. Haitian law does not differentiate between domestic violence and general assault. Due to societal traditions, victims of such domestic violence as wife beating often are unwilling to press charges, thus leading to the likelihood that this abuse is significantly underreported. Human rights groups do not consider violence against women to be one of their primary concerns.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides workers, including civil servants and public sector employees, the right to form unions. Workers do not need government authorization to establish and join trade unions. A union, which must have a minimum of 10 members, is required to register with the Ministry of Social Affairs within 60 days of its establishment. Unions are relatively free to organize but, according to Article 242 of the labor code, they may not engage in commercial activities or concern themselves with matters unconnected with the defense of worker rights. The Government would ultimately decide what constitutes worker rights. As far as is known, it has not challenged any unions or would-be unions on these

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grounds. If it were to deny recognition to a union, the union would be denied access to labor courts.

It is estimated that there are fewer than 10,000 full-time employed members who belong to local unions. In practice, attempts to form trade unions are generally frustrated by employers who prefer the status quo.

There are four major labor federations in Haiti: the Autonomous Central of Haitian Workers (CATH), the Federation of Unionized Workers, the Confederation of Haitian Workers (CTH) (formerly CATH/CLAT), and the Independent General Organization of Haitian Workers. All have contact with international labor organizations. For example, FOS is affiliated with the International Confederation of Free Trade Unions and its Latin American group, the Inter-American Regional Organization of Workers; and CTH with the World Confederation of Labor.

Shortly after taking office, President Avril met with the leaders of three of the major labor federations to revive the tripartite (labor, management, and government) negotiations on an amended labor code. In mid-1989 provisional agreement was reached on the various issues which divided labor and management. Labor representatives have since proposed additional changes, however, and then boycotted subsequent commission meetings pending resolution of another issue not directly connected to the revised code negotiations. At year's end the new code had not been issued.

Chapter VI of the existing labor code recognizes the right to strike, although it restricts the duration of certain types of strikes. Strikes are not uncommon, but their legality is usually contested by the employer. Government employees in several cities staged protests, walkouts, and strikes, generally over arrears in pay. In almost all cases the workers eventually received their back pay, although some were subsequently dismissed because agencies' funds were not sufficient for their continued employment. The American Federation of Labor and Congress of Industrial Organizations has alleged that workers fired in past years by their public and private sector employers for engaging in legitimate union activities still have not been accorded justice in the courts.

Haiti's compliance with International Labor Organization (ILO) standards has been reviewed by a number of ILO supervisory bodies in recent years. In February 1989 the Committee on Freedom of Association (CFA), reviewing allegations of government and employer reprisals against the CATH after a 2-day strike in 1987, noted that despite revoking the dissolution of the CATH and releasing detained trade unionists the Namphy Government did not compensate mistreated workers for their medical expenses or make full restitution of assets seized. The CFA also called on the Government to be more vigorous in seeking reinstatement of dismissed workers for their involvement in legitimate trade union activities. In 1989 the ILO's Committee of Experts (COE) expressed hope that Haiti's new draft labor code would correct discrepancies between the present code and ILO Convention 87, which Haiti has ratified, regarding freedom of association.

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b. The Right to Organize and Bargain Collectively

Haitian labor unions remain weak; forbidden under the Duvaliers until 1981, they were then allowed to operate only within strictly circumscribed limits. It was not until after Jean-Claude Duvalier's departure in February 1986 that unions were allowed to organize freely.

Formal union contracts do not yet exist; rather, informal, unofficial, mostly unwritten agreements, and in some cases, tacit acceptance, allow the presence of unions in plants. Although unions have become relatively more active in grievance negotiations, formal management recognition of unions as bargaining agents is not yet the norm. Even with no government interference, the relatively new phenomenon of trade unionism has developed erratically in Haiti, where unemployment is estimated to affect 50 percent or more of the available work force, and where many employers still question the legitimacy of unions.

c. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, and there were no charges of such practices in 1989.

d. Minimum Age for Employment of Children

The minimum age for factory employment is 12 years. Fierce adult competition for jobs ensures that child labor is not a factor in the industrial sector. In both rural and urban areas, children often work at odd jobs to help supplement the family income.

e. Acceptable Conditions of Work

The labor code (last revised in 1984 and now in the process of being liberalized) governs individual employment contracts, protects apprentices and women, and establishes minimum health and safety standards, particularly for hazardous occupations. The code sets the normal workday at 8 hours, and the workweek at 48 hours, with 24 hours' rest on Sunday. The code provides for paid annual leave of at least 15 consecutive working days. Workers may take up to 15 days' annual sick leave. The current daily minimum wage prescribed by law is \$3.00 in Port-au-Prince and \$2.64 in the rest of the country. The majority of the Haitian population subsists on much less than the minimum wage. According to a number of labor representatives from Haiti as well as from the United States, the Government has not systematically enforced labor laws regarding wages and minimum safety regulations, but the industrial sector generally adheres to at least minimum standards. The latter sector tends to be concentrated more heavily in the Port-au-Prince area and is more accessible to outside scrutiny. Economic factors in this sector render adherence to minimum standards relatively affordable as well.

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Honduras is a constitutional democracy with a President and bicameral Congress elected every 4 years. Free and fair elections held on November 26 resulted in the election of National Party candidate Rafael Leonardo Callejas as President. His party won 71 seats in the 128-member legislature. The institutionalization of democratic reforms is still incomplete; in particular, the civilian government has yet to demonstrate that it can ensure the disciplining of those members of the military who commit human rights abuses.

Domestic security is the responsibility of the armed forces, including its police branch, the Public Security Force (FUSEP). The Armed Forces are constitutionally responsible to the President of the Republic but in practice operate with a great deal of institutional autonomy. In previous years both the police and members of the armed forces were involved in human rights abuses; there are allegations that this behavior continued to some extent in 1989. However, in 1989 FUSEP began to demonstrate a willingness to punish some abusers. Other branches of the armed forces appear to have tightened internal controls to reduce the possibility of abuse, although the military's resistance to making public what punitive actions, if any, are taken against human rights offenders makes it difficult to evaluate their efforts.

Honduras is one of the poorest countries in the Western Hemisphere. Per capita income was officially estimated at \$917 in 1988, but a realistic valuation of the lempira would yield a per capita income of about \$600. While its agricultural-based economy has registered modest increases during the last several years, the rapidly growing Honduran population has resulted in persistently high levels of unemployment and underemployment. The current high fiscal deficit, combined with an overvalued exchange rate, has inhibited private sector expansion, and the large trade deficit has frustrated attempts to service the rapidly growing external debt arrears and to attract net inflows of capital.

The high rates of criminal violence recorded over the past several years continued in 1989, due in part to the economic problems noted above. As in past years, there are credible reports of extrajudicial killings of suspected criminals by security forces. Leftwing violence included the probable assassinations of four persons, bank robberies, and several violent attacks on U.S. military personnel which injured several persons. The Anti-Communist Action Alliance (AAA) continued a sporadic graffiti campaign and telephone death threats directed against leftist leaders, but by year's end its activities had all but ceased.

Principal human rights concerns in 1989 included political and other extrajudicial killings by political extremists and members of the security forces. The most common human rights violations committed by FUSEP continued to be physical abuse of detainees and prisoners, and incommunicado detention. Individual members of the security forces also were involved in killings arising from use of excessive force, sometimes for personal motives. However, FUSEP in 1989 demonstrated a new sensitivity to public concerns, announcing a number of punitive actions taken against agents guilty of human rights abuses. Most of those involved in abuses were turned over for hearings before a military tribunal, while others were

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dishonorably discharged and sent for trial in nonmilitary courts.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were seven assassinations in 1989 that apparently had political motives. Four were likely committed by the armed left (three were publicly claimed by leftwing groups). Although there was some immediate public speculation that the military may have been involved in the remaining three cases, these remain unsolved. Conclusive evidence was lacking in all three cases.

On January 7, several unidentified assailants ambushed Adan Rugama, a military commander of the Nicaraguan Resistance Army (ERN) and aide-de-camp to Enrique Bermudez, ERN Commander-in-Chief. Speculation that the highly professional assassination was carried out by members of the Cinchonero guerrilla organization, in collaboration with the Nicaraguan Embassy, has never been confirmed.

The leftwing Popular Liberation Movement-Cinchoneros claimed responsibility for the ambush on January 25 in a residential neighborhood of Tegucigalpa in which former Commander-in-Chief of the Honduran Armed Forces General Gustavo Alvarez Martinez and his chauffeur were killed. Although it is assumed that the Cinchonero claim of responsibility is genuine, the identities of the individual assailants have never been established.

The fourth victim of an attack presumed to have been committed by leftists was Pablo Flores Garcia, a former member of the Cinchoneros. Flores Garcia deserted the guerrilla group in 1986 and provided information to the Armed Forces which reportedly led to the deaths of several high-ranking guerrilla commanders. Unknown assailants shot and killed Flores Garcia on July 22 near his home outside of La Lima, Cortes Department, and draped his body with the Cinchonero flag.

The fifth victim in 1989 of possible politically-motivated violence was Edgardo Herrera, an activist in the leftist Student Union University Revolutionary Front (FRU) and head of his San Pedro Sula Residential Community Organization, who was shot to death on July 4 by three unidentified men. There was an immediate public suspicion that he had been killed by the military in retaliation for his activities in the FRU, but there was no evidence to support this contention by year's end.

On July 6, Salomon Vallecillo, President of the Honduran Tobacco Workers Union, while waiting at a bus stop in San Pedro Sula was gunned down by two men dressed as private security guards. Again, some public speculation centered on the military as possibly involved in this assassination, but the identity of the assassins and the motive for the murder remained unknown at year's end.

Also on July 6, Jose Danilo Martinez, a union member, was shot and killed by a drunken police agent. The agent was given a dishonorable discharge and imprisoned pending trial in a nonmilitary court.

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With the left organizing demonstrations against the assassinations and the Armed Forces denying involvement, a third killing occurred on July 11. Roberto Ramon Garay, a conservative political activist, an attorney, and the head of the Northern Regional University's Extension Program, was shot to death by two men as he and his family arrived at their home in a San Pedro Sula neighborhood. With the exception of the case of Danilo Martinez, no identification was made by year's end of any of the people involved in the killings.

There was also no progress in identifying the perpetrators of the double assassination in January 1988 of Miguel Angel Pavon and Moises Landaverde. In late 1988 and again in early 1989, Fausto Reyes Caballero gave press interviews in the United States in which he claimed to have been a collaborator with Battalion 3-16 of the Armed Forces and stated that Battalion members carried out the killings. Reyes Caballero said his information on the Pavon-Landaverde and other unsolved human rights cases was obtained through his own alleged ties to Battalion 3-16 and his work as a Honduran transit policeman in San Pedro Sula until August 10, 1989. On that day, according to Reyes Caballero, he was forced suddenly to flee Honduras because of an assassination attempt against him by several of his Battalion 3-16 "colleagues."

An investigation by Honduran and U.S. authorities showed Reyes Caballero's testimony was fabricated. Documents indicate that he was dishonorably discharged from the Honduran police in March 1984 on charges of theft and corruption, that he had departed Honduras for the United States in June 1984, and that he had lived and worked illegally in Miami since that time, returning to Honduras only for two brief visits.

There was a definite increase in 1989 in the number of violent and unsolved deaths. As of December 17, 263 such cases had been reported in the press, compared to 185 for all of 1988. Of those cases reported through that date, the vast majority appear to have been cases of common crime. Fourteen deaths, however, were possible or probable cases of extrajudicial killings of criminals by the police. Three victims of almost certain extrajudicial killings were Pompilio Cruz Cuevas, Gloria Espinal Godoy, and Olga Marina Ventura Salgado. Cruz Cuevas was an oft-convicted criminal and the latter two were convicted prostitutes. All were reportedly detained by agents of the National Department of Investigation (DNI) on the night of June 20. The following day, their bodies were found on the outskirts of Tegucigalpa, each having been shot. In the remaining cases, the possibility of police involvement is far less substantial, most often resting only on the fact that the victim had or was believed to have had a criminal record.

The police publicly accepted responsibility for another five killings--one a case of mistaken identity. In four cases, the police attempted to justify the killings by asserting that the victims had attempted to escape from custody. The lack of credibility of those claims was best illustrated in the case of Luis Norberto Flores, accused of heading a gang of thieves. Flores was arrested by the DNI on March 31. For several days, his wife brought him food, although she apparently did not see him personally. On April 3, she was told that Flores was not and never had been held at the jail. Earlier that day, Flores had been taken from his cell and into the city, shot four times, and left for dead. Flores managed to get to a hospital, but the following day two DNI lieutenants arrived and removed him by force. Flores' body

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was later found, now with twelve bullet wounds, on a city street. In response to public pressure, the police finally admitted having killed Flores, but offered the improbable story that on both occasions he was leading police to his colleagues in crime when he tried to escape. In this, as in other cases involving the killings of criminals, no known action was taken against the police agents involved. In a case in which the police accepted responsibility for the killing of the "wrong" suspected subversive, the five agents involved were imprisoned pending trial before a military tribunal. At year's end they were still awaiting trial.

In contrast to the apparently tacit official approval of the killing of repeat offenders, other agents involved in wrongful deaths or deaths under questionable circumstances were dealt with more severely. The majority of such cases related to deliberate and unjustified use of lethal force, negligent homicide, or killing for personal motives by individual members of the police. In many instances of such killings, perpetrators could not be identified by witnesses or the suspected assailants had fled to avoid arrest. Police agents identified as having been involved in 15 of approximately 22 cases in which killings were personally motivated, unjustified, or due to negligence were either arrested and bound over for trials or hearings, or were the subjects of arrest warrants. In one case a FUSEP soldier was surreptitiously photographed when he shot and killed an unarmed suspect. He was dishonorably discharged and was awaiting trial at year's end. In the remaining seven cases, it is unknown what, if any, action was taken against those responsible.

The willingness of FUSEP to punish abusers and to publicize such punishment first became apparent in April, after which the agents involved in controversial cases were almost without exception bound over for trial or hearings. While the majority of such officials continue to be held under military jurisdiction, those responsible in a number of the more egregious cases were dishonorably discharged and imprisoned pending trials in ordinary criminal courts.

In July FUSEP announced that 16 agents, 3 sergeants, and a corporal had been turned over to the courts charged with abuses, and that 43 soldiers and 3 officers had been dealt with similarly. Unlike FUSEP, the other military branches continue to resist making public what punitive actions, if any, are taken against human rights offenders. One of the few exceptions during the year was a highly controversial case in which two youths were shot and killed near a military base. Following a public outcry against the killings, the Armed Forces announced the names of the three soldiers involved and said that all had been charged with murder and were being held for trial before a military tribunal. Altogether, proceedings were begun between January 1 and October 11 against 28 members of the military charged with murder, with another 9 members awaiting trial for other abuses leading to injury.

b. Disappearance

There were no reports of politically motivated disappearances in 1989. The disappearance of Jose Leonel Suazo Castillo, while not politically motivated, appears to have been a deliberate criminal act of vengeance by a member of the military with the concurrence of his superiors. Suazo was a member of the Conservative National Party, although not

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politically active. According to his mother, Suazo had gotten into a fistfight with a police official at a bar in the early morning hours of January 29 and the official had threatened him. Men identifying themselves as agents of "military intelligence" began an active search for Suazo. On the night of February 2, Suazo told a friend that a car appeared to be following them. Initial press reports were that Suazo "disappeared" after leaving his companion. However, the victim's mother subsequently received information that her son was actually detained and handcuffed in view of eyewitnesses and taken away in the car that had been following him. On May 2, during her second visit to query authorities at the seventh region FUSEP headquarters, Suazo's mother claims to have glimpsed her son in the courtyard of what she later learned was a FUSEP intelligence detention facility. It appeared he was being taken under escort from the building housing the cells to a vehicle. Since that time, Mrs. Suazo alleges, she has received detailed information from highly credible sources confirming her son's detention. Nevertheless, police authorities continue to deny any knowledge of Suazo's whereabouts.

The Honduran commission responsible for oversight of the demarcation of the Honduran-Salvadoran border reported in 1989 that three Honduran farmers were kidnaped by Salvadoran guerrillas and never seen again.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The use of torture is prohibited under the Constitution, and FUSEP has officially adopted a United Nations-approved code of conduct for law enforcement agencies which reiterates that prohibition and commits the police force actively to oppose violations. Nonetheless, the physical abuse of detainees and prisoners continues to be common. The most routine form of abuse is beating, sometimes severe, although accusations of more sophisticated forms of torture occasionally arise. Several persons in prison for arms trafficking to the Salvadoran guerrillas, for example, claim to have been subjected to electric shocks and to have been beaten on the soles of the feet during incommunicado detention, prior to being turned over to the courts.

Abuse of prisoners appears to be fairly routine, but it is difficult to assess the extent to which torture occurs. Under the law, a confession obtained under torture is null and void; as a result, most prisoners brought before the courts automatically claim such torture and their own innocence. However, the Supreme Court's Department of Forensic Medicine is required to provide physical examinations of persons claiming to have been tortured in order to determine the validity of the charge. The Department's detailed documentation indicates that, of the 142 persons examined between January and mid-September, 39 showed evidence of abuse other than bruising from handcuffs or that sustained on the arms at the time of arrest. The most common abuse claimed by the prisoners was kicking and blows from various blunt instruments such as billy clubs, rifle butts, and sticks.

There were three claims (one confirmed) of electric shock and one unconfirmed claim of burning by cigarettes. Six confirmed cases involved gunshot wounds and one involved sodomy. The Department's statistics hold DNI agents responsible in 30 of the 39 confirmed cases of abuse. FUSEP agents, other members

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of the military, penitentiary guards, and private security guards were involved in the remaining confirmed cases. It is not known what, if any, punishment was given to those responsible.

Beatings of detainees or prisoners resulted in two deaths in 1989. Jose Martinez Mendez, a prisoner at the La Ceiba Penal Farm, died August 31 of injuries sustained in a beating administered after a failed escape attempt several days earlier. There has been no information released concerning action taken against the responsible prison guards. Melvin Efren Mata Garcia died the day after DNI agents, on September 29, detained him on suspicion of selling fraudulent passports and beat him severely. On October 4, FUSEP announced that the two responsible agents had been dishonorably discharged and were being held in the Central Penitentiary pending trial in a nonmilitary court.

The total number of security agents held for trial on charges of physical abuse of detainees or prisoners is unavailable. Press reports, however, reveal that at least some offenders are being held. Two FUSEP sergeants accused of torture of civilian detainees in Olancho Department were both turned over for hearings before the Military Tribunal, and the superior officer of one of the offenders was also disciplined for failure to supervise the actions of his subordinates. In another case, a special forces officer, who shot and injured a civilian for refusing to take off military trousers he was wearing, was given a dishonorable discharge and turned over for trial in a nonmilitary court. There were other similar cases reported throughout the year. Approximately 20 police agents are currently serving sentences in the Central Penitentiary for human rights abuses.

After the military took over administration of the Central Penitentiary in February, a move prompted by charges of massive corruption and organized criminal activity involving both prison officials and inmates, there were many charges of torture. Many believe that the complaints of torture came essentially from those whose interests were compromised by the change in the prison's management. In May, in response to continuing controversy, the Government turned the penitentiary back to civilian control, leading to an immediate cessation in accusations of torture.

d. Arbitrary Arrest, Detention, or Exile

Under the law, a person may be arrested only with specific court authorization in the form of an Order of Arrest and must be informed clearly of the grounds of arrest. The suspect may be held no longer than 24 hours by security forces before being turned over to the court, where evidence supporting legal processing is reviewed. Within 6 days, the court is obligated to order either the release of the detainee or his remission to a penal center pending trial. Bail is both available and widely used.

Despite these legal provisions, the police and other elements of the security forces carried out an undetermined number of detentions without judicial order in 1989. In addition, the police appear frequently to violate the 24-hour rule, often holding detainees for questioning well beyond the legal period. Other than cases involving terrorism and/or subversion, generally handled by the military, most of the violations of the laws and regulations governing arrest and

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detention are committed by agents of FUSEP and, most particularly, of the DNI. The length of incommunicado detention varied from several hours to several weeks. Detainees, in many instances, are simply released at the end of their illegal detention, rather than turned over to the courts.

Continuing violations of the laws of detention and arrest have raised understandable concerns about other related abuses, including possible extrajudicial killing of suspected criminals. According to press reports, the DNI arrested Miguel Antonio Ramos on May 25 and his two colleagues, Felipe Amador and Juan Ramon Avila, on June 5, on suspicion of murder. The families have reportedly been unable to determine their whereabouts.

Although incommunicado detention and failure to comply with writs of habeas corpus do not seem to be widespread, there continue to be credible reports of such violations. Compliance with writs of habeas corpus is occasionally evaded by the transfer of detainees from one detention facility to another.

There have been no cases of forced exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All nonmilitary trials in Honduras are public; there are neither secret tribunals nor political prisoners. The law provides for a fair trial of accused persons. Persons accused of a crime have the right to an initial hearing by a judge to assess the merits of the charges, to bail, and to an attorney, provided by the State if necessary. The defendant also has the right to an appeal and is considered innocent until proven guilty. The Armed Forces maintains a separate judicial system of military tribunals for cases involving military personnel. Proceedings in these forums are not open to the public.

Despite legal guarantees of fair trial, in practice this right is often abridged. Acute shortages of both human and material resources has impeded improvements, and the judiciary remains the least effective branch of government in Honduras.

The most serious inequity of the judiciary has been the absence of a public defender system to handle cases of indigent persons, most of whom consequently have failed to receive a timely adjudication of their cases. A 1987 government order for the courts to provide state-hired attorneys for the poor was not implemented in 1988 for lack of funding, although private organizations volunteered some legal services for the indigent. In May, with assistance from the U.S. Agency for International Development (A.I.D.), the Government established a Public Defendants Office (PDO). As of September 30, the PDO had 240 cases in its dockets, in which 58 defendants were at the plenary stage and 30 had been sentenced or set free.

In January 1989, the Government announced that 84 percent of the country's prisoners had not been sentenced. That figure represented only a slight improvement over the 85 percent figure given in mid-1988 and the 88 percent cited in mid-1987. Records indicated that, regardless of the court, a prison stay of 2 or 3 years pending sentencing is by no means uncommon. Much of the delay in sentencing was attributable to

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backlogs in judicial processing, understaffing in the courts, or the poor quality of judges in the lower courts. For example, a judge in El Progreso, Yoro, issued only two decisions in the 126 cases pending at the start of the year. Another factor that has contributed to the backlog, according to many judges, is the lack of a judicial investigative system that would assist in and expedite decisions. The judicial branch has yet to receive resources equal to the constitutionally mandated 3 percent of the total annual budget of the Honduran Government. Under an A.I.D.-funded program, justices of the peace are gradually being replaced with legally qualified personnel chosen on the basis of merit. Twenty-seven law school graduates were chosen in 1988 and 27 more in 1989 through a competitive examination to fill vacancies in the same number of courts. This merit system will continue until all justices of the peace are both educationally qualified and proven competent in practice. In addition to upgrading the quality of judicial services, the new system offers the nominees unlimited tenure, with removal permitted only for due cause, a major step toward curtailing political influence in judicial decisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the constitutionally protected rights to personal and family privacy and the inviolability of the home and private communications. Telephonic and written correspondence is generally free from monitoring, although, as provided by law, official review of such communications may be authorized by judicial order for specific purposes, such as criminal investigations or national security. Similarly, private homes may be searched only on the basis of a judicial order, with the exception of "urgent cases" in order to "impede the commission of crimes or avoid grave harm to persons or property." There were no known violations of these rights during 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, and those rights are normally respected in practice. A wide range of political opinions are carried in the print media as well as in television and radio broadcasting. With the exception of one government-owned radio station, all of the communications media--newspapers, over 100 radio, and 4 television stations--are privately owned. Criticism of the Government and the Armed Forces is routine. Despite occasional sharp exchanges between the media and government authorities, there are normally no efforts by the authorities to suppress expression of opinion. However, the Armed Forces did begin legal proceedings in January against the editor of a major daily newspaper for two editorials considered defamatory to the military. The suit was subsequently allowed to lapse in the courts.

Academic freedom is respected in Honduras. Academic and political organizations abound in the university and secondary schools, and many are well to the left-of-center or affiliated with radical left groups. On-campus discipline of these sometimes violent groups was left to academic administrators in 1989.

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b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly for political, religious, or other purposes is clearly provided for by the Constitution. No prior authorization or permit is necessary, although open-air assemblies may require a permit for "the sole purpose of guaranteeing public order." Antigovernment and other demonstrations were carried out on a routine basis without impediment throughout the year.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although predominantly Roman Catholic, Honduras has no state religion. All forms of religious expression are constitutionally protected, and foreign missionaries operate in many parts of the country. The Constitution contains an express provision that no clergyman of any religion may hold public office or engage in political propaganda based on religious motives or beliefs. There is no attempt to control or impede the free expression of religious beliefs or proselytization in Honduras.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are normally unimpeded in entry into or exit from Honduras, and travel freely within the country's national borders. In locations near the border with El Salvador, security concerns related to the movement of Salvadoran guerrillas have led to the imposition of a 9:00 p.m. curfew. There are also limited security-related travel restrictions along the Nicaraguan border. There are no permanent travel restrictions for Hondurans or resident foreigners, although national security concerns have led to increased police checks for personal identification. Exit visas are required to leave Honduras but are not denied on political grounds.

Hondurans returning from Communist or Arab nations have been questioned at length about their travels, and citizens of all Communist and most Arab nations need special permission to enter Honduras.

Although not a party to the U.N. Convention on Refugees, Honduras has maintained a generous policy with regard to refugees from neighboring countries. Despite increased popular resentment of the refugees and the perceived costs for Honduran citizens, the policy has remained unchanged to date.

There were few new additions to the officially documented refugee population during 1989, with the exception of the Nicaraguan camps, which added between 100 and 150 new entries per month. Most of the new entrants arrived directly from Nicaragua, a change from 1988 when the new arrivals came largely from unofficial refugee settlements within the country. At the end of October, the U.N. High Commissioner for Refugees (UNHCR) was caring for 12,137 Salvadorans, 23,636 Nicaraguans (9,000 of those Miskito and Sumo Indians), and 441 Guatemalans.

Refugee repatriations began in earnest in 1988 and continued in 1989. Through the end of October 1,441 Salvadorans, 5 Guatemalans, 480 Nicaraguan Ladinos, and 1,479 Nicaraguan

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Indians had taken advantage of voluntary repatriation. Repatriations from the Salvadoran camps were suspended by the Government of El Salvador for a short time in September to allow the newly installed Government to review repatriation procedures. By the end of the year, however, several large-scale repatriations had taken place, including the orderly departure of 1,180 refugees from the Mesa Grande camp. Scheduled repatriations from Colomonagua and San Antonio camps in November and December, however, were called off when approximately 1,200 refugees from Colomonagua staged an unauthorized walkout of the camp on November 18. The "spontaneous" repatriation (apparently pre-arranged to coincide with the FMLN offensive in El Salvador) violated an agreement between the refugees and the Government of El Salvador that all those returning would cooperate with documentation prior to departure from the camps. The returnees entered El Salvador at the Las Flores border post, in territory that is under control of the Salvadoran guerrillas. On December 9, the Colomonagua refugees staged a second, similar repatriation in which approximately 500 persons participated. Those repatriations brought the officially documented Salvadoran refugee population in Honduras down to 10,437 by mid-December. However, the refusal to cooperate with the Salvadoran authorities in documentation prevented the expected and much larger repatriation of some 10,000 Salvadoran refugees by early 1990. The UNHCR provided no assistance in these unilateral repatriations undertaken without the consent of the country-of-origin Government.

Fewer problems of refugee abuse were reported than in 1988. The repressive control exercised by guerrilla-affiliated camp coordinators in the Salvadoran settlements was responsible for much of the outflow of refugees from Colomonagua and Mesa Grande camps in the first half of 1989. Refugees took advantage of UNHCR offers of third-country resettlement to leave the camps, despite the objections of coordinating committees. Once outside of the camps, these refugees offered first-hand details of serious abuses committed against "dissidents" by the coordinating committees. In addition, the female official of an international organization was forcibly stripped at the orders of camp coordinators at San Antonio in retaliation for having delivered mail to refugees against the wishes of the coordinators.

Honduran handling of Nicaraguan refugees was less positive than in the past. There were credible reports of cases of forced repatriation as well as incidents of arbitrary detention of officially documented refugees, who were removed from the camps and held for sometimes lengthy periods.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Hondurans have and exercise the right to change their government through democratic means. National and municipal governments are chosen by free, secret, direct, and obligatory balloting every 4 years. A president may serve only one term; any vice president (there are three) who serves, even on an interim basis, as acting president is prohibited from running for the office of president. All Honduran-born citizens have the right to hold office, except for members of the clergy and the Armed Forces.

All four legal political parties participated in the third consecutive national election that took place on November 26,

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1989 in which the President, all members of the National Congress, and all elected officials at the municipal level were selected. The two major parties, the National and the Liberal, received 94 percent of the votes cast. Rafael Leonardo Callejas of the opposition National Party won the presidential election with 51 percent of the vote to 43 percent for Carlos Flores Facusse of the ruling Liberal Party. The National Party also won a majority of the seats in the unicameral legislature (71 seats to 55 seats for the Liberals and 2 seats for the PINU-Social Democrats). Complaints from the then-ruling party that the National Elections Tribunal and the National Registry of Persons were manipulated to its detriment led to calls for major reforms of both those bodies.

Organizers of a new party must present a petition of 10,000 signatures of members to obtain legal status. If a party fails to gain that same minimum number of votes in any election in which it participates, it loses legal status. Given the deep historical affiliations with the two major parties, it has proven very difficult for new parties to gain sufficient popular support to qualify for legal status.

There were complaints during the pre-election period that the major parties had manipulated electoral laws and mechanics to block the inscription of an independent candidate. The leaders of the two smaller parties complained that such action has denied them equal advantage under the electoral system. Each of the small parties received less than 2 percent of the total national vote in the election.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperates with local and international human rights organizations, and the President frequently met with visiting delegations of human rights monitors and activists from abroad. The governmental Inter-Institutional Commission on Human Rights handles both domestic and international inquiries concerning human rights and has been responsive to inquiries.

Honduras was condemned in 1988 in the first two cases of disappearance ever tried in the Inter-American Human Rights Court (IAHRC) in San Jose, Costa Rica. The Court ordered Honduras to pay an undetermined indemnity to the families involved, the sums of which were to be negotiated between the relatives of the victims and the Government. When the negotiations reached an impasse in 1989 the Court itself established a sum per family equivalent to approximately \$200,000 at the actual, as opposed to the official, rate of exchange. The Government of Honduras took strong exception to the court ruling, arguing that it violated an agreement reached previously with court representatives concerning the factors to be used in arriving at a fair settlement. In late 1989 the President sent to the Congress draft legislation authorizing payment, but the Congress failed to approve the legislation before recessing in December.

In the final case before the IAHRC, the Court found insufficient evidence to find Honduras responsible for the disappearances of two Costa Ricans in 1981.

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In September 1989, a representative of the U.N. Commission on Human Rights visited Honduras at the invitation of the Government. The main purpose of the visit was to investigate the use of torture. To that end, the U.N. representative was given full liberty to inspect courts and prisons, speak with inmates, and meet with any groups and persons of interest. He issued no findings prior to his departure, but indicated a full report would be issued following his return to Geneva.

The best-known of the nongovernmental human rights organizations is the Committee for the Defense of Human Rights in Honduras (CODEH) and its Central American-wide affiliate, CODEHUCA. Despite a number of genuine efforts on behalf of human rights, CODEH's charges frequently have been exaggerated and ill-documented, and in some cases false. Many observers in Honduras consider the group to be highly politicized and partisan. Although CODEH in the past routinely published its findings in the Honduran press, allowing a detailed study of its claims, no CODEH reports were so issued in 1989. Nevertheless, CODEH presented various statistics during the year, and a comparison of those documents revealed serious discrepancies.

A new human rights organization, the Authentic Committee for the Defense of Human Rights in Honduras (CODEH-A), was established in 1989. The group was founded by Hector Orlando Vasquez, whose public dispute with CODEH President Ramon Custodio allegedly led to threats against Vasquez' life.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution expressly prohibits discrimination on the basis of sex, race, class, or any other basis. Education is equally available to both males and females, but in practice women are limited in some careers because of strongly held cultural values and attitudes, despite the absence of any overt impediment. Ethnic minorities, while enjoying full equality under the law, continue to be the object of some social discrimination.

Physical abuse of women, particularly in the home, is a common feature of life in Honduras, and reflects the country's male-dominant culture. Although Honduran law offers remedy to the victims, few women avail themselves of the legal process. There are credible reports that women held in the country's jails are sometimes raped or pressured into providing sexual favors in return for their release, but charges of such abuse have been brought to court in only a few instances.

Section 6 Worker Rights

a. The Right of Association

Workers are free to organize themselves into labor unions. Labor unions have been active in Honduras over the past 36 years and continue to exert considerable influence, both economically and politically.

The right to strike, along with a wide range of other basic labor rights, is provided for by the Constitution and honored in practice. Even though the civil service code stipulates that public workers do not have the right to strike, neither public nor private sector strikes were not declared illegal in 1989. There were several major strikes, including a 9-day

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walkout by health workers. The longest strike in Honduran history, the 81-day walkout of the Teachers' Pension Fund, ended when the President agreed that workers' wages lost during the strike would be paid.

Honduras' trade union movement maintains close ties with international trade union organizations. The largest union group, the Confederation of Honduran Workers, is an affiliate of the International Confederation of Free Trade Unions (ICFTU). The second largest, the General Workers Central, is affiliated with the World Confederation of Labor. The third major organization, the Unitary Federation of Honduran Workers, is affiliated with the Communist-controlled World Federation of Trade Unions. The three labor organizations claim to represent about 20 percent of all Honduran workers, including a substantial number of peasants and rural laborers.

A number of private firms have instituted labor/management "solidarity" associations. Organized labor, including the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the ICFTU, expressed strong opposition to these associations on the grounds that they do not permit strikes and have inadequate grievance procedures. Nevertheless, the membership of such associations has increased in the last few years from 2,000 to approximately 10,000. Solidarity organizations are not formally recognized by the Ministry of Labor.

In its 1989 report, the ILO Committee of Experts (COE) renewed its request to the Government to bring certain provisions of its legislation into conformance with Convention 87 on Freedom of Association, including provisions which: place a numerical restriction on the right to organize; limit to one the number of unions per enterprise; require that union officers must be engaged in the work of the workers they represent; require that two-thirds of the membership present must approve a strike action; grant the Government broad powers to prohibit, or require lengthy procedures for, strikes in certain industries. Also in 1989, the ILO Committee on Freedom of Association (CFA) expressed satisfaction with the Government's action granting legal recognition to union federation.

b. The Right to Organize and Bargain Collectively

The right to organize and to bargain collectively are protected by law and observed in practice. Retribution by employers for trade union activity is not uncommon, in spite of a specific provision in the labor code against such activity. There were two killings of trade unionists, one of which may have been politically motivated (see Section 1.a.). On November 15 unidentified persons exploded a bomb at a residence occupied by the leader of the electrical workers' union. There were no personal injuries and no group has claimed responsibility for the incident. However, these rights and guarantees are jealously guarded by the powerful union movement which does not hesitate to make use of the legal system to enforce their observance. The prevalence of unionized labor in the workplace and its political influence act as a further defense against antiunion discrimination or pressures. The free trade zones are governed by the same labor regulations as the rest of private industry, and conditions in these export processing plants is generally considered to be superior to the national average.

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c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Honduras; such practices are prohibited by law and by the Constitution.

d. Minimum Age for Employment of Children

The Constitution and the Labor Code prohibit the employment of children under the age of 16 years. Violations of the labor code frequently occur in rural areas or in small companies. High unemployment and underemployment have resulted in many children supplementing the family income by working in small family farms or as street vendors. The Government does not have the capability to enforce child labor laws in these situations.

e. Acceptable Conditions of Work

The Constitution and the labor code require that all labor be fairly paid; minimum wages, working hours, vacations, and occupational safety are all regulated by law. The minimum wage, revised as of January 1, 1990, varies by occupation and ranges from \$3 to \$5 dollars per day. It is doubtful that the new minimum wage is sufficient to provide a decent standard of living. Many households will need to pool family members' salaries to survive. The minimum wage is expected to be raised again in the near future.

The standard workday is 8 hours; a standard workweek is 44 hours. The Labor Code provides for a paid vacation of 10 workdays after 1 year, and 20 workdays after 4 years. The regulations are frequently ignored in practice as a result of the high level of unemployment and underemployment.

An ILO technical expert investigated allegations by labor of improper use of pesticides in the banana industry. A U.S.-owned company agreed to make the recommended changes in production, but small independent banana producers reportedly disregard safety in the use of pesticide. There have also been verified instances where Miskito scuba divers have died or suffered injuries by improper diving procedures in the unregulated lobster fishing industry. In December the Government prohibited the use of scuba divers in the lobster-fishing industry. Boat owners and Miskito Indians protested the prohibition because of lost income to the large number of divers and the lobster fishing industry. A motion to cancel the prohibition was pending before the courts at year's end.

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Jamaica, a member of the Commonwealth of Nations, is a constitutional parliamentary democracy. A Governor General, appointed by the Crown on the advice of the Prime Minister, represents the Queen as Head of State, while the elected Prime Minister, the leader of the majority party in Parliament, is the country's chief executive. The Parliament is comprised of an elected House of Representatives and a Senate appointed by the Governor General.

Two major political parties have alternated in power since the first elections under universal suffrage in 1944. The maximum length of a parliament is 5 years, and the Constitution requires that a general election be held no more than 3 months after the dissolution of Parliament. The last election, held in February 1989, resulted in Michael Manley's People's National Party (PNP) winning 45 of the 60 seats in the House of Representatives. The opposition Jamaica Labor Party (JLP), which formed the government from 1980 to 1989, holds the remaining 15 seats.

The security forces are directed by the Ministry of National Security and consist of the Jamaica Constabulary Force (JCF-police), the Jamaica Special Constabulary Force (JSCF-an auxiliary police force), and the Jamaica Defense Force (JDF). Since 1974 the JDF has been authorized to conduct joint operations with the JCF to maintain peace and order under the Suppression of Crime Act.

Jamaica has a mixed economy emphasizing the private sector and based on tourism, bauxite and alumina production, light manufacturing, and agriculture. The Manley Government is pursuing policies which promote private investment, both domestic and foreign, in order to stimulate economic growth and modernization.

In 1989 human rights were generally respected in Jamaica, but there continued to be credible reports that the police rely excessively on the use of lethal force, particularly in dealing with criminal suspects. This continues to be the country's most persistent human rights problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Officially sanctioned murder of political opponents does not occur in Jamaica. However, some violent crime has political overtones. Both major parties, as well as the Communist Workers Party of Jamaica, have some supporters who occasionally resort to violence to prevent supporters of rival parties from engaging in legitimate political activities, such as holding rallies or voting, and to punish those believed to have harmed their party's interests. The legal system has often been ineffective in dealing with cases of presumed politically motivated killing because of a code of silence adhered to by suspects, victims, and witnesses alike. Intimidation of witnesses and jurors also complicates efforts to prosecute offenders.

Violence aimed at disrupting the political process is heightened during elections. As a step toward reducing

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election-related violence, the two major political parties in 1988 engaged in talks aimed at defusing tensions between the parties and between JLP and PNP partisans. On August 26, 1988, the two party leaders signed a "political code of conduct" intended to reduce election-related violence. An Ombudsman was appointed to monitor compliance with the agreement and to report violations. As a result of these efforts, the electoral campaign of 1988-89 was relatively peaceful, and the number of persons killed decreased from several hundred in the previous contested national election to 12 in the most recent one.

The incidence of violent crime remains high in Jamaica. There continue to be credible reports of excessive use of lethal force by the police in dealing with suspected criminals. According to police statistics, officers killed 91 persons and wounded 63 in shooting incidents through the end of August 1989. Eight police officers were killed and 22 wounded in the line of duty during the same period. The disparity between the ratio of persons killed by police to those wounded has led several human rights groups to charge that some officers are engaging in summary executions of suspects.

Both local and international human rights groups have criticized the fact that the JCF itself is responsible for investigating police abuses. In July, National Security Minister K.D. Knight announced plans to establish an independent body to review complaints against members of the force, but as of the end of the year no action had yet been taken.

b. Disappearance

There is no evidence of abduction, hostage-taking, or disappearances perpetrated by the security forces. Using the power granted under the Suppression of Crime Act to take persons into custody without an arrest warrant, however, the JCF has on occasion held incommunicado for varying periods persons suspected of criminal activities. In nearly all these cases, the detainee was released once relatives or associates protested.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other abuse of prisoners and detainees is prohibited by law. Nonetheless, suspected criminals are often beaten or mistreated by police while being held in local stations. In 1989 there were numerous complaints of police brutality, including reports of beatings by guards and security personnel of inmates held in prisons. Figures on human rights abuses by police are unavailable. As of October, 92 police officers had been placed on administrative leave pending resolution of criminal conduct cases, many of which involved minor offenses. A number of policemen were convicted and punished. To address identified shortcomings in police performance, the JCF is receiving training in police investigative techniques from the U.S. Justice Department's International Criminal Investigative Training Program, and is engaged in a law enforcement accreditation program.

In past years, some persons have brought suit successfully against the police for unlawful actions, and the Government has been required to pay damages. According to police statistics, 200 complaints were filed against police between

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January and August of 1989, of which more than half alleged assault by JCF officers. Almost \$200,000 was paid out in damages following successful lawsuits against police during that period.

Violence in the prisons is commonplace, with both prisoners and guards subject to assault. Prison guards allegedly beat to death two inmates during disturbances following a July hunger strike at the Kingston General Penitentiary. Government investigations into the incident had not been completed by year's end. At the St. Catherine District Prison, where 200 death row inmates are housed in cells built for 60, guards temporarily stopped feeding inmates in August, following a series of attacks by heavily armed prisoners.

Commercial guard forces, which have proliferated in recent years due to the high crime rate, continue to be the subject of complaints, especially concerning the use of excessive force. According to the Jamaica Council for Human Rights (JCHR), private security guards killed 40 persons in 1988; figures were not available for 1989 at year's end. There are currently more than 200 private security firms in Jamaica, and many often hire less qualified applicants than the police and provide less training. Some guard company recruits have been found to have criminal records. Licensing for commercial guard forces is the subject of draft legislation being considered by the Government.

Lynching of individuals accused of theft of goods, livestock or crops, housebreaking, or rape occurs with some frequency in Jamaica. Such incidents are reported in the media, but prosecutions of vigilantes remains rare.

d. Arbitrary Arrest, Detention, or Exile

Under the Suppression of Crime Act, which has been regularly extended at 6-month intervals since its adoption in 1974, security forces do not need a warrant to detain persons "reasonably" suspected of having committed a crime. Although the Act was conceived as an extraordinary measure, security forces have come to rely on it extensively. Detention of suspects without a warrant occurs regularly, particularly in poor neighborhoods.

In July the Government lifted the Act in 7 of Jamaica's 14 parishes. However, government officials warned that it could be reintroduced in those areas if there is a significant increase in crime. In areas where the Act has been lifted, reports indicate that police are relying on blank, presigned warrants to meet the new legal requirements.

Police must record detentions and are responsible for ensuring that detainees appear before a member of the judiciary within 24 hours of detention. Most detainees are held for 3 to 5 days. However, there have been instances of detainees being held for several weeks without being brought before a judicial officer. Many detainees are unaware of their right to timely judicial review of the grounds for their detention. The JCHR indicates that 90 percent of its caseload involves assisting people attempting to locate and gain the release of detained family members. The JCHR reports that supervisory police officers have been more cooperative in recent years in providing information about detained persons.

For suspects charged with a crime, there is a functioning bail

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system. Bail is set by the local police supervisor in minor cases. A judicial officer sets bail for those charged with more serious crimes. Persons unable to make bail while waiting for a judicial hearing are often detained for long periods. Outsiders are permitted access to the accused. There are no political prisoners.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Persons who have been charged with criminal offenses have access to legal representation, and legal counsel is provided to indigents in criminal cases. The Court of Appeal and the Parliament may refer cases to the Judicial Committee of the Privy Council in the United Kingdom. The judicial system, though independent, is overburdened and operates with inadequate resources. Budgetary shortfalls have resulted in a steady attrition of trained personnel, causing further delays. Some cases take years to come to trial, and others have had to be dismissed because case files could not be located. In August 120 prisoners at the Kingston General Penitentiary went on a short hunger strike to protest long delays in processing their cases. Some of these prisoners had been held for more than 4 years awaiting trial or decisions on their appeals. The Chief Justice in an October speech called attention to the shortage of court reporters, clerks of the court, and lawyers prepared to work for the Government. A labor action by court employees in late 1989 further exacerbated difficulties in processing cases rapidly.

A special Gun Court, established in 1974, considers all cases involving the illegal use or possession of firearms and ammunition. Public attendance is restricted, and less stringent rules of evidence are used. In capital cases, hearings before the Gun Court serve as preliminaries to jury trials under the jurisdiction of the Supreme Court.

According to the JCHR, one of the weakest areas of Jamaican justice is the inability of the police to provide witnesses with proper protection. Intimidation, even murder, of witnesses is a chronic problem hampering criminal prosecutions, and jurors are sometimes threatened by associates of criminal defendants. The parliamentary Ombudsman has reported instances in which similar threats and intimidation are directed against witnesses and jurors in criminal cases where the accused is a policeman. Some convictions have been obtained for such attempts to subvert the judicial system. In August the Government announced plans to implement a protective custody program for threatened witnesses. By year's end the program had not yet been implemented.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary intrusion by the State into the private life of the individual. Under the Suppression of Crime Act, however, search warrants are not required to enter homes or businesses believed to be occupied by persons "reasonably" suspected of having committed a crime, and this authority is sometimes abused by the police. In July the Act was declared no longer applicable in 7 of Jamaica's 14 parishes (see Section 1.d.). Regulations approved by Parliament in 1980 require that every effort be made by

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security forces to have the owner or occupant of the premises present during any search.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are provided for in the Constitution and are observed in practice within the broad limits of libel laws and the State Secrets Act. Jamaica's largest privately owned newspaper, The Daily Gleaner, has been critical of Jamaican governments through the years. A new national daily, The Record, appeared in 1988 and has followed this tradition. Several smaller newspapers and magazines are also published, and foreign publications are widely available. The government-owned Jamaica Broadcasting Company (JBC) operates two radio stations and the island's only television channel. JBC typically has been accused of bias in favor of the Government, by whichever party is in opposition. Radio Jamaica (RJR) is a privately owned broadcasting company. Although the Government has a 25-percent equity holding in RJR, the company is independent, and its broadcasts are often critical of government policies. A new privately owned FM radio station began broadcasting in 1989.

The previous JLP Government granted three licenses to new regional radio stations in 1988, as part of a long-planned divestiture program. Two of the three regional stations were on the air at year's end; the third was expected to begin broadcasting in early 1990. The Government's Broadcast Commission retains the right to regulate programming during emergencies. In July Prime Minister Manley announced that the Government would retain JBC, while allowing private concerns to operate a new television channel and an island-wide radio station, but these plans have not yet been implemented. There are now more than 13,000 satellite antennas on the island, and many Jamaicans watch foreign television broadcasts without any government restriction.

There is no censorship or interference in academic institutions.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association. Large numbers and varieties of professional, business, service, social, and cultural associations function freely. Public rallies are staged by all political parties. Such events require a police permit, which is normally granted. The PNP and JLP held rallies and meetings throughout the island during the last election campaign.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for by the Constitution and is well established in Jamaica. More than 80 percent of the population belongs to various Christian denominations, and religious groups of all kinds operate freely. Evangelical Christian movements have gained a significant following, and foreign evangelists regularly visit.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides Jamaican citizens freedom of movement and immunity from expulsion from the country. There are no restrictions on foreign travel or emigration. Citizenship is not revoked for political reasons.

Those who apply for refugee status are handled on a case-by-case basis. The country does not often accept asylum seekers, primarily for domestic economic reasons. Jamaica is a party to the 1951 U.N. Convention and the 1967 Protocol Relating to the Status of Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have, and freely exercise, the right to change their government. The Constitution requires that, except under defined emergency circumstances, an election be held not later than 5 years after the first sitting of the preceding Parliament, but the Prime Minister may call national elections any time within that period.

The 1989 general election, in which the PNP replaced the JLP, was relatively peaceful by the standard of previous Jamaican elections. Twelve persons were killed in election-related violence. Both parties worked during the electoral campaign to keep violence under control.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on human rights organizations in Jamaica. The Jamaica Council for Human Rights, the country's only human rights organization, has vigorously protested abuses by the police and has called for corrective reforms. The Council's work continues to be hampered by a lack of adequate resources. An Americas Watch representative visited Jamaica in 1989 and met with government officials and human rights activists.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Jamaican women are accorded full equality under the Constitution, and the 1975 Employment Act requires equal pay for equal work. In practice, because of cultural and social traditions, women often still suffer economic discrimination, which is frequently evidenced in hiring practices.

Violence against women occurs with some frequency in Jamaica. The new Government has established a Bureau of Women's Affairs within the Ministry of Labor, Welfare and Sports. Several nongovernmental organizations exist to help victims cope with the effects of domestic violence, such as wife beating. According to officials at a crisis center, police are frequently unwilling to assist battered women in taking legal steps against their assailants. Furthermore, Jamaican law does not differentiate between domestic violence and general assault cases. Women are, therefore, often reluctant to bring charges under the General Offenses Against the Person Act, under which the only sanction available is the incarceration of the offender.

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Section 6 Worker Rights

a. The Right of Association

Article 23 of the Constitution specifically provides for the right to form or join a trade union, and other, more general articles obligate the Government to protect the person and property of trade unionists. In Jamaica, labor unions, like professional groups and private associations, function freely. The Labor Relations and Industrial Disputes Act (LRIDA) codifies regulations of workers' rights.

Unions draft their own constitutions and rules, elect officers, determine objectives, affiliate with national or international groups, and select delegates to conferences. Some Jamaican unions have joined democratic international trade secretariats, such as the Caribbean Congress of Labor and the International Confederation of Free Trade Unions. The third largest labor union is affiliated with the Communist-controlled World Federation of Trade Unions, and the World Confederation of Labor has attracted one Jamaican adherent.

Jamaican law neither prohibits strikes nor provides a right to strike, but in practice unions and workers use the strike as a tool. Striking workers can interrupt work without criminal liability but cannot be assured of keeping their jobs. In 1989 there were several work slowdowns as well as an 11-day strike involving 500 workers at an alumina plant brought about by a breakdown in contract negotiations. The LRIDA and other laws provide that certain categories of essential service workers (usually government-employed) do not have the right to strike. In its 1989 report, the Committee of Experts (COE) of the International Labor Organization (ILO) cited the laws' broad definition of essential services in which strikes are prohibited as restricting the right to strike provided by the ILO's Convention 87 (Freedom of Association).

About 25 percent of the work force belongs to unions, and union influence is felt in all important economic sectors. The two largest unions, the Bustamante Industrial Trade Union and the National Workers Union, have organizational and leadership ties to the two major political parties, the JLP and the PNP, respectively. Both unions maintain their independence and sometimes take positions different from those of their respective parties. The third largest Jamaican union, the University and Allied Workers Union, is linked with the (Communist) Workers Party of Jamaica, whose leadership maintains direct control over the union.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and belong to labor unions, and LRIDA provisions include guidelines for labor, management, and government on issues such as organizing work sites, negotiating agreements, and conflict resolution. However, in 1989, the COE cited the labor law's requirement of 40-percent membership in order to negotiate an agreement as inconsistent with the ILO's Convention 98 (the Right to Organize and Collective Bargaining). Employees may not be fired solely because they are union officers. On the other hand, union affiliation may not be a prerequisite for employment. The Government rarely interferes with union organization efforts, and judicial and police authorities effectively enforce the LRIDA and other labor regulations.

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Labor, management, and the Government remain firmly committed by law and in practice to collective bargaining in contract negotiations and conflict resolution. Collective bargaining is widely used, even in some nonunionized firms. When labor and management fail to reach an agreement, cases may be referred to the Ministry of Labor for arbitration or mediation. An Independent Industrial Disputes Tribunal (IDT) forms the first appeal level above the Ministry. Any cases not resolved by the IDT pass to the civil courts. This system has proved effective. However, unions and some employers continue to believe that the collective bargaining process is undermined by a 1986 LRIDA amendment which permits the Minister of Labor unilaterally to refer cases involving the national interest to the IDT.

Domestic labor laws apply to Jamaican export free trade zones. Ministry of Labor officers cite a need for more compliance verification, especially in the free zones, but believe that most employers obey legal requirements. While domestic manufacturing companies are predominantly unionized, only 2 of the 18 factories in the Kingston Free Zone have union representation. The two unionized firms were unionized before they began operations in the Free Zone. Resistance by employers (all foreign), difficulty in unionizing female employees (who represent a majority of the work force in the free zones), and inconsistent organizing efforts are the reasons generally cited for the lack of additional unionization in the free zones. The Government is aware of the strong employer opposition to unions in the free zones; it neither discourages nor encourages unionization. Jamaica's second largest union has indicated its intention to organize workers in zone factories. During 1989 nonunionized workers in some free zone plants conducted short work stoppages to protest working conditions.

c. Prohibition of Forced or Compulsory Labor

The Constitution does not specifically address the matter of forced or compulsory labor. However, Jamaica is a party to the ILO Convention which prohibits compulsory labor, and there have been no allegations that this practice exists in Jamaica.

d. Minimum Age for Employment of Children

The Juvenile Act provides that children under the age of 12 years shall not be employed except by parents or guardians, and that such employment may be only in domestic, agricultural, or horticultural work. Children under 12 years of age may not be employed at night or at industrial sites. The Educational Act stipulates that all children aged 6 to 11 must attend elementary school. Industrial safety, police, and truant officers are charged with enforcing the law. Enforcement is erratic, however, and children under 12 are sometimes seen peddling goods or services on city streets. There is no evidence of widespread illegal employment of children in other sectors of the economy.

e. Acceptable Conditions of Work

The LRIDA establishes some basic conditions of work. The Factory Act stipulates that all factories be registered and approved by the Labor Ministry before they can begin operating. The Ministry's Industrial Safety Division is required to make annual inspections of all factories, but budget constraints reduce the number of inspections actually

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made. The Ministry maintains records on industrial accident victims. If a private-sector work site does not meet the definition of a "factory," the Ministry does not have the authority to inspect it.

In accordance with International Monetary Fund guidelines, government wage policy aims to keep maximum annual wage and fringe benefit increases to 10 percent or less to help contain inflation. Most wage settlements have followed this guideline, but exceptions have been made for workers with a history of inadequate pay. In a two-step process that began in June 1988, the Government increased minimum wage levels to approximately \$75 per month, effective January 1, 1989. Higher minimum wages apply to skilled workers, depending on their specialty. Most salaried workers are paid more than the legal minimum wage. For a worker with a family of five or less, the minimum wage represents a bare subsistence level. This level is more supportable in rural areas than in urban locations. The minimum wage law also provides for a 42-hour standard workweek and overtime pay. The Ministries of Labor, Finance, the Public Service, and National Security enforce labor laws and regulations.

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Mexico is a Federal Republic which has been dominated by the Institutional Revolutionary Party (PRI) since its founding in 1929. Periodic political reforms have expanded the opposition's role and stake in the political system; never more so than in the 1988 presidential election year. Nevertheless, the PRI has maintained its preponderant political control throughout the Republic by a combination of voting strength, organizational power, and, the principal opposition parties and other observers charge, electoral fraud. The 1917 Constitution stipulates that power be divided among a bicameral legislature, a judiciary, and an executive. The President's powers, however, far outweigh those of the other branches in Mexico's highly centralized system.

The principal law enforcement organization in Mexico is the Federal Judicial Police, which is controlled by the Attorney General. The General Directorate of Investigations and National Security under the control of the Secretariat of Government is responsible for investigations involving national security. Despite the tendency toward centralization of authority, municipal, state, and Federal police exercise authority in their respective areas of jurisdiction. Local police forces, often controlled by political bosses and landowners, have been involved in human rights abuses, and the Federal police have been responsible for deaths of detainees in their custody. There is no evidence, however, that these abuses are the result of policies favored or directed by the Mexican Government.

Mexico has a mixed economy, which combines elements of domestic market capitalism with state ownership of major industries. Through a program of divestiture of some state-owned firms, principally those operating in "nonstrategic" sectors, the Government is increasing the role of the private sector in the economy. Notable examples of the privatization policy which were announced or implemented in 1989 include the major airlines and the public telephone company.

A wide range of individual freedoms is provided for by the 1917 Constitution and honored in practice. Some important exceptions, however, continue to be noted. The exceptions include abuse by police and judicial authorities of detainees and prisoners; political and extrajudicial killings, mostly the result of confrontations between peasants and landowners, their agents, and local police over disputed land; and recurring credible charges by opposition parties, civic groups, and outside observers of election fraud. While these and other human rights abuses persist, the Government has taken several steps to improve the situation, notable among them a large-scale amnesty program for persons accused of crimes of a "political or social nature," various attempts at a national debate on electoral reform, and the establishment of a Director General for Human Rights under the Secretary of Government.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

In Mexico's rural states disputes over land are often violent and sometimes result in extrajudicial killings. While the Federal Government continues its efforts to curb such violence, violations continue nonetheless.

Paramilitary bands and local police controlled by political bosses and landowners are often accused of oppressing and even murdering peasant activists. Such charges have been made not only by independent peasant organizations, but also by the PRI-affiliated National Confederation of Peasants (CNC). The independent groups attribute the killings to persons employed by local strongmen (caciques), as well as to members of the CNC and to the local police. As an example, 11 persons died in mid-February in Pijijiapan, Chiapas State, in an apparent dispute between the Independent Central of Agricultural Workers and Campesinos (CIOAC) and CNC-affiliated claimants to the same parcel of land; the CIOAC had been a Mexican Socialist Party affiliate, while the CNC represents the PRI's peasant arm. Press reports cite police involvement in the incident, though no police have been charged with any crime. State governor Patrocinio Gonzalez Garrido, as well as CNC officials in Mexico City, decried the Pijijiapan violence.

A CIOAC activist, Sebastian Perez Nunez, was shot to death, apparently by a local Chiapas rancher, on December 29, 1988, in apparent retaliation for a CIOAC-led takeover of land. Two Mexican Socialist Party (PMS) activists, Santos Cabrera Rosas and Elpidio Dominguez Castro, were also murdered early in 1989, and four peasant sympathizers of presidential candidate Cuauhtemoc Cardenas were killed in a confrontation on January 22 with state rural police in Xoxocotla, Morelos State, following municipal elections. The Federal Government continued its ongoing efforts to control this violence, and attorneys general from various states met frequently during the year with national law enforcement and Secretariat of Government officials to pursue this goal.

A number of apparent assassinations of political activists and militants also occurred within the last year. Political motives cannot, as yet, be ascribed with certainty to any of the killings, though opposition groups assert such was the case. In each instance, state judicial officials have promised thoroughgoing investigations.

In otherwise peaceful elections on July 12 for mayors and local legislators in the northern state of Durango, the candidate of the local Committee for Popular Defense (CDP) for mayor of the small town of Simon Bolivar was shot in a purported robbery and left clinically dead in what may actually have been a politically motivated crime. PRI special delegate Cesar Martinez Bonilla was killed September 21 in Nochistlan, Oaxaca, reportedly by an Authentic Party of the Mexican Revolution (PARM) militant.

Meanwhile, several of 1988's most prominent cases of alleged political killings have no apparent solution in sight, including those of Cardenas' personal aides Francisco Ovando Gil and Roman Gil Heraldez. A suspect has been formally

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accused in the August 1988 murders of four young Revolutionary Workers Party (PRT) activists, but the party itself believes that the crime was politically motivated, and that the actual murderer is still at large.

On February 17, a Mexican Federal judge found four defendants guilty of abuse of authority and injuries in connection with the August 1986 detention and torture of U.S. Drug Enforcement Administration (DEA) agent Victor Cortez in Guadalajara. Subsequently, the four defendants, all Jalisco state judicial police officers, were sentenced to 5 years in prison and fined the equivalent of \$140. Two additional suspects remain at large. In related developments, Rafael Caro Quintero, Ernesto Fonseca Carrillo, and others accused of involvement in the kidnaping and murder of U.S. drug enforcement administration (DEA) agent Enrique Camarena were convicted and sentenced in Mexico City on drug trafficking charges, with Caro receiving a sentence of 116 years and Fonseca 140 years. Though lengthy, the trial has followed normal Mexican judicial procedures.

On December 23, 1988, prisoners at the Venustiano Carranza Center for Social Readaptation in Tepic, Nayarit, rioted. Special tactical police teams flown in from Mexico City to quell the rebellion responded with excessive force, killing 21. Among those left dead in the melee were the prison warden and the police team commander. Of the 21 fatalities, 13 had been filmed by an NBC television camera crew surrendering to prison authorities; each of the 13 was later found dead with a bullet wound in the head. The press in Guadalajara reported extensively on the deaths of two Mexican citizens while in detention.

On December 21, 1988, Antonio Gomez Reyes died as an apparent consequence of beatings received after his arrest. He was never charged and the circumstances surrounding his arrest remained unclear. Jorge Perez Gonzalez died in detention on February 8, after allegedly being forced to sign a confession of growing marijuana. The Mexican press reported that a prisoner drowned in July at the hands of the Nuevo Leon State Police. In December the press reported the death of 19-year-old Fernando Jordan de la Torba in La Paz, Baja California Sur. The victim, son of a prominent family, died of peritonitis, allegedly after being severely tortured and beaten while under detention by the Federal Judicial Police. By year's end there was no official investigation in progress, and a Federal Deputy for the state charged that high government officials were inhibiting legitimate investigations into this and other cases.

b. Disappearance

According to the Committee in Defense of Prisoners, the Persecuted, Disappeared Persons, and Political Exiles of Mexico, a prominent human rights organization, there are 552 disappeared persons in Mexico, an increase of 5 over the previous year. The majority of disappearances are cases which occurred during the earlier presidential administrations of Luis Echeverria Alvarez and Jose Lopez Portillo. The Committee believes that a total of 26 persons disappeared during the Miguel de la Madrid administration, which ended on December 1, 1988.

One of the five recent disappearances included PRT militant Jose Ramon Garcia Gomez, who was purportedly removed from his home in Cuautla, Morelos State, on December 16, 1988, by state

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judicial police agents. There were no traces, at year's end, of his whereabouts, and both federal and state investigators have been unsuccessful in their respective searches. The Committee has also classified Francisco Sahagun Baca as disappeared. Sahagun was formerly head of the Federal Government's Division of Investigations for the Prevention of Delinquency (DIPD) and a purported member of the "White Brigades," a group charged with acts of torture, disappearance, and assassination during the Government's campaign in the 1970's against insurgent guerrillas. Reportedly arrested on July 10, 1989, on drug-related charges, he has not been heard from since.

Many human rights activists and opposition politicians were very concerned when Miguel Nazar Haro was appointed head of the Intelligence Directorate of the Federal District's Secretariat of Public Security. In the 1970's, Nazar had been head of the Federal Directorate of Security and another purported member of the "White Brigades." Like Sahagun, he has been charged with direct participation in acts of illegal detention, torture, and disappearance. Nazar Haro subsequently resigned his DDF position, apparently under public pressure.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Although torture is prohibited by the Constitution, human rights organizations continue to charge that law enforcement officials employ psychological and physical abuse, most often in the period immediately following arrest and especially during interrogation. The Government has stated that the use of torture to extract confessions is an illegal and unacceptable substitute for investigative work. Accordingly, the Administration continued its efforts to recruit new personnel into the various police forces and emphasizes education and training in legitimate investigative skills. The Attorney General's Office has contracted with human rights organizations to provide courses designed to sensitize law enforcement personnel to the need to respect human rights.

United States consulates continued to report problems concerning the arrest of U.S. citizens. In many instances, those detained alleged they were abused and tortured by military and law enforcement authorities, most often for purposes of obtaining admissions of guilt. They claimed to have been subjected to beatings, electric shocks applied with cattle prods and stun guns, sexual assaults, attempts at suffocation, and death threats. Some declined to discuss their cases with consular officials for fear of reprisal.

As an example, six U.S. citizens were arrested in Baja California Sur in May 1989 by elements of the Federal Judicial Police for alleged possession of cocaine. All six, including one woman, were strip-searched. One was blindfolded and had a plastic bag tied around his head to the point of suffocation; a gun was later discharged at his head and a knife held to his throat. Overall, there have been 74 complaints by U.S. citizens throughout Mexico (through the month of September 1989), an increase of 6 over the previous year. Unfortunately, formal diplomatic protests sent to the Secretariat of Foreign Relations have not always produced satisfactory responses.

In late October, the Bar Association of the state of Sonora

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issued an open letter to protest the "constant violation" of fundamental constitutional rights and abuse of prisoners, including torture and murder, by the police authorities at all levels in the state. Some members of the church and the media supported the Association's allegations.

There were some signs of improvement, however. The U.S. consulate in Nuevo Laredo noted a marked drop in abuse cases after the transfer of Federal police commander Hugo Tinoco Causor and his subsequent indictment on charges of torture and illegal deprivation of liberty. The consulate general in Guadalajara reported an end to complaints of mistreatment by military authorities in the Puerto Vallarta area. It also noted that Jalisco's relatively new governor, Guillermo Cosío Vidaurri, has made a significant effort to improve police recruitment, training, and compensation. About 150 corrupt state police and judicial officials were dismissed, and more were expected to follow.

d. Arbitrary Arrest, Detention, or Exile

Under provisions of the Constitution, an arrested suspect can be held in police custody for up to 48 hours before he must be brought before a judge to make a preliminary statement of guilt or innocence. The judge has an additional 24 hours to determine whether detention should continue or not. Both standards, however, have frequently been violated, with charges of abuse, torture, and the extortion of forced confessions from accused persons during this initial period.

Mexican citizens are guaranteed the right to seek restraining orders and to make appeals ("amparo"), a constitutional protection provided against "coercive and abusive acts of authority." In a recent reform of the restraining order/appeal system, certain categories of persons are automatically granted such petitions. Incidents of arbitrary arrest and imprisonment occur most frequently in criminal cases and, notably, in land tenure disputes.

Exile and extradition of Mexican citizens are not normally practiced in Mexico.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is divided into Federal and state court systems, with the Federal courts having jurisdiction over most civil cases and those involving major felonies. Under the Constitution, trial and sentencing must be completed within 12 months of arrest for crimes that would carry at least a 2-year sentence. Despite efforts at reform, this standard is often not met because of delays caused by cumbersome court procedures, case backlogs, and defense motions. Trial is by judge, not jury, in nearly all criminal cases. Defendants have a right to counsel, and public defenders are available. Other rights include defense against self-incrimination, the right to confront one's accusers, and the right to a public trial.

The political opposition alleges that the judiciary, with judges placed in office by renewable appointments, is dependent on the executive branch. The Government denies that political beliefs have any bearing on the impartial administration of justice. Factors such as low pay for judges

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and law enforcement officials and high caseloads contribute to corruption in the judicial system

The National Front against Repression (FNCR) states there are currently 33 political prisoners in the country. It acknowledges the release by the Government during the past year of four political prisoners, including PRT activist and 23rd of September League militant Heladio Torres Flores, and Manuel Alba Vera, also imprisoned for crimes committed during the "armed struggle" of the 1970's. The majority of political prisoners, as defined by the FCNR, are peasants and peasant activists arrested in disputes over land. The Government has disputed the appellation "political prisoner" in these cases, charging that most of those listed by the FNCR are actually guilty of common crimes such as terrorism, criminal association, and damage to property. The Government has consistently denied that it holds political prisoners.

President Salinas de Gortari initiated a sweeping amnesty program in February in which a total of 1,176 prisoners accused of committing crimes of a "political or social nature" were released from jail. Human rights activists, including the prestigious Mexican Academy of Human Rights, allege that the amnesty program distracts public attention from the problems of political prisoners and the disappeared and is really aimed at alleviating problems of overcrowding in Mexican prisons, particularly as the Government activates its new campaign against drug trafficking.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Article 16 of the Constitution provides for the privacy of individuals. Although the Government generally does not intrude on this right, and search warrants are required by law, peasants and urban squatters involved in conflicts over land titles have charged that local landowners, accompanied by police, have entered their homes without appropriate judicial orders and sometimes have resorted to violence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press are provided for by the Constitution. The current administration has tolerated much direct public criticism, particularly in the print media. Mexico's press is also a primary source for reporting allegations of human rights violations. However, the State's role as sole supplier of newsprint in Mexico has long given rise to charges that the Government uses this control to pressure editors into quashing unfavorable reports, with some journalists avoiding confrontation by self-censorship. President Salinas acknowledged the problem and, on October 9, announced his intention to privatize the supply of newsprint.

Opposition political parties have often charged that Mexico's two principal television networks, one government owned and the other privately owned but allegedly partial to the Government, accord PRI candidates unfair advantage in coverage of their campaigns. Article 52 of the revised Federal Electoral Code does provide opposition parties with 15 minutes per month of television time and additional time during an electoral campaign. However, the opposition asserts that PRI's advantage derives from its status as Mexico's "official"

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party, with party activities (including campaign events) covered as if they constituted national news.

In sharp contrast with 1988, no Mexican journalists are known to have died violently or under suspicious circumstances in 1989. However, press reports indicate that a reporter for El Sol Veracruzano was abducted in Mexico City in early January, and as many as nine press photographers were assaulted over the course of the year.

In a major development, the murder of Excelsior journalist Manuel Buendia Tellezgiron was purportedly solved after a 5-year investigation, with sometime police agent Juan Rafael Moro Avila accused of the crime. Moro, in turn, blamed former policeman Jose Luis Ochoa Alonso for the murder, averring that he only arrived at the scene after Buendia was hit; Ochoa himself was later murdered. Moro further alleged that Jose Antonio Zorilla Perez, a former chief of the now defunct Federal Security Directorate (Secretariat of Government), was the "intellectual author" of the crime. In addition, several cases pending from 1988 have apparently been solved, including the murders of Tijuana investigative reporter Felix Miranda and Mazatlan journalist Manuel Burgueno. No suspects have as yet been identified in the shooting of Ciudad Juarez television personality Linda Bejarano.

b. Freedom of Peaceful Assembly and Association

The Constitution grants the right of peaceful assembly for any lawful purpose. A government permit is generally required for major demonstrations, and the Government, with few exceptions, permits demonstrations by a broad range of political groups. Within the Federal District, opposition political groups as well as peasant and indigenous organizations are allowed frequent access to both main boulevards and the city's large central square for demonstrations. In rare instances, unauthorized marches, sit-ins, and other forms of protest are broken up forcibly by police and security forces, especially outside the capital.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution permits individuals to practice the religion of their choice. However, no religious body is granted legal standing, and the clergy is barred from participating in politics, voting, owning real estate, or wearing religious garb in public. Some of these prohibitions are not strictly enforced, nor is a constitutional restriction against preuniversity religious schools, many of which exist. Mexico is predominantly Roman Catholic, though Protestant, Mormon, Jewish, and other religious communities also exist and enjoy freedom of worship. Protestant Evangelists and Mormons, principally foreign-supported groups, are active and especially successful in certain rural, largely indigenous communities. Some critics have stated that the Government finds these foreign groups threatening and, therefore, selectively enforces anticlerical laws in favor of the predominant Roman Catholic Church. Other critics assert the opposite; that the laws are not enforced against the Evangelists in order to reduce the influence of the Catholic Church.

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A rapprochement of sorts between church and state began under the previous presidential administration of Miguel de la Madrid. Incoming President Salinas de Gortari has taken the rapprochement several steps further, inviting leading clerics (including the Apostolic Delegate) to his December 1, 1988, inauguration and holding public meetings with them (including briefings by Cabinet members on the status of foreign debt negotiations).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and outside the country is unrestricted. Mexico has traditionally followed a liberal asylum policy concerning Central American refugees and asylum seekers from other countries--even though the Constitution does not provide for their recognition, nor do laws exist which govern their entry into and residence in Mexico. The Government has usually admitted persons whom the United Nations High Commissioner for Refugees (UNHCR) recognizes as refugees. Over 41,000 Guatemalan refugees reside in camps and resettlement centers in southern Mexico. According to the UNHCR, an additional 150,000 Guatemalans reside illegally in Mexico, mostly in the state of Chiapas, though large numbers also reside in Mexico City and other urban areas. Undocumented Guatemalans lead a precarious existence because they are subject to deportation if caught, and they also can be subjected to exploitation by private Mexicans as a source of cheap labor.

Until quite recently, Guatemalan refugees in the southern border states have been restricted in their movements and in opportunities for legal work in order to avoid friction with local residents and to discourage permanent resettlement in the area. Under this same policy, refugee children born in Mexico were not recorded or issued birth certificates, and could not claim Mexican citizenship. These restrictions have since been relaxed, according to UNHCR and government officials, with refugees now able to seek some work outside of the camps and children now being registered. Government policy has been to encourage the voluntary repatriation of individuals and groups of refugees, with assurances that their personal safety and security would be respected.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Since 1929, Mexico's Government has been controlled by the PRI, which has won every presidential race since then and every gubernatorial race, save for the 1989 Baja California Norte contest. To secure its continuance in power, the PRI has over the years relied on extensive public patronage, massive government and party organizational resources and, according to opposition parties as well as independent outside observers, extensive electoral fraud.

Following Federal elections in 1988, a total of six parties gained representation in the Chamber of Deputies and two in the Senate--the latter a first in Mexican political history. The President and senators are elected for 6-year terms; deputies for 3-year terms. The combined opposition won an unprecedented 237 seats out of total of 500 in the lower house of Congress and 4 of 64 in the upper. Though in a minority, the opposition made its weight felt on at least one occasion during the year, compelling the Government to revise its

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foreign investment law by regulation instead of by legislation.

Charges of electoral fraud were heard frequently and vociferously throughout the last presidential contest and in several follow-on state elections, notably elections in July 1989 for the state legislature of Michoacan. Most observers acknowledge that fraud occurs in Mexican elections, particularly in outlying, rural areas, and less so in urban areas, where a more politically active and perceptive electorate exists; they also recognize, however, that most recent elections have been somewhat more honest than those of the past. The Government has consistently defended the ruling party's victories and has specifically denied allegations of fraud, while admitting that the electoral system is an imperfect one which could and should be improved.

The PRI has, during 1989, pursued efforts to improve its method of choosing candidates for public office. A number of PRI state committees have experimented with limited nominating primaries or conventions.

In municipal elections held through December 1989, the Government recognized several opposition victories by both leftist and conservative parties. In the state of Michoacan, for example, the center-left Party of Democratic Revolution won almost half of the state's municipalities, including the state's capital and most populous city, Morelia. In other regions, the Federal Government also recognized many opposition victories, but, in at least one case in the state of Sinaloa, only after occasionally violent protest activity by political activists from both sides. On the whole, the Government's ability to insure fair electoral practices at the local level remained flawed but improving.

The Government has sponsored, largely at opposition behest, a series of debates in the Chamber of Deputies and the Federal Electoral Commission on reform of the Constitution and the Federal Electoral Code. During the week of October 16, the Chamber of Deputies approved amendments providing for newly initiated electoral bodies to review election results, the opening of all sessions of electoral bodies to the public, and the establishment of a minimum 35 percent of the vote for any one party to claim a majority of seats in the Chamber of Deputies. Although the leftist opposition criticized the changes as "cosmetic," the conservative opposition viewed the amendments as steps, albeit small ones, toward a more evenhanded political system.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permits both domestic and international human rights groups to operate in Mexico without restrictions or harassment, and has pledged its full cooperation with efforts by Amnesty International (AI) to monitor human rights violations in Mexico. Various ranking Mexican officials (including the Secretariat of Government's new Director General for Human Rights and Refugee Affairs, appointed in December 1988) met with AI representatives, domestic human rights activists, and UNHRC officials to discuss human rights problems. The Director General serves as an ombudsman to both domestic and foreign human rights and refugee groups, as well as to Mexico's state governors and judicial system officials. He has no independent authority, save for that which derives

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from the political power of the Secretary of Government.

There are three well-known human rights organizations in Mexico. The first of these, the Mexican Academy of Human Rights, is composed of leading political and academic figures; it serves primarily as an information clearinghouse on human rights abuses in Mexico, although some limited guidance is, on occasion, provided to individuals. The National Front Against Repression (FNCR) and the Committee in Defense of Prisoners, the Persecuted, Disappeared, and Political Exiles of Mexico both take highly public stances on individual human rights cases, as well as the larger issues of political prisoners and the disappeared.

In its report covering events in 1988, AI again expressed concern about reports of political killings, arbitrary arrest of political opponents, the use in evidence of confessions obtained under duress, continuing rural violence, and torture. AI also voiced concern about disappearances in previous years which have never been satisfactorily clarified by the Government; 52 disappearances occurring between 1972 and 1983 are reportedly being investigated by AI.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Mexico takes pride in its Spanish and Indian origins and in the success the country has achieved in fostering a climate of racial harmony. Indigenous groups, many of which do not speak Spanish, are encouraged to participate in political life and the Government is respectful of the desire of these groups to retain elements of their traditional lifestyle. These groups, however, remain largely outside the country's political and economic mainstream, a result not of restrictive governmental policy but rather of longstanding patterns of economic and social development.

Religious discrimination is generally nonexistent except for sanctions contained in the constitution denying any religious institution legal standing, and barring clergy of any denomination from participating in politics, voting, owning real estate, or wearing religious garb in public.

Historically, women in Mexico have played a subordinate role, economically, politically, and socially. However, women are becoming increasingly active both in the economy and politically. Legally, women are equal to men. They have the right to file for separation and divorce and to own property in their own name. The Constitution provides for equal pay for equal work and for maternity leave. Violence against women, including wife beating, is not infrequent, but there are no reliable statistics on the extent to which it occurs. Domestic assault is a crime, but in practice, due to social tradition, women are often reluctant to file reports of abuse or to press charges, and police are reluctant to intervene in what is often considered a domestic affair. Violence against women was not widely discussed as an issue of public policy during 1989 though the number of women's action groups is increasing, and they have begun to offer expanded counseling and legal services for victims of sexual crimes.

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Section 6 Worker Rights

a. The Right of Association

Article 123 of the Constitution provides workers and employers the right to form unions and professional associations of their own choosing. Registration requirements are not onerous, and unions must register with the Labor Secretariat. These rights are widely exercised in Mexico where a fairly diverse trade union movement exists. Close to 35 percent of the Mexican work force--now estimated at 26 million--is organized into trade union confederations and independent unions. There are no limitations on union organizing among civil servants, a sector that is highly unionized in Mexico.

The Government does not formally control Mexican trade unions, but the vast majority, some 85 to 90 percent, are affiliated with the PRI. The remainder are independent or support opposition parties, including those of a leftist or Marxist orientation. In 1989 the Government went outside of the judicial process on at least two occasions to take action that affected the integrity of union structures. In May, after an illegal strike by bus drivers in Mexico City, the Government withdrew recognition of the union, fired the workers, and announced plans to restructure the bus company. The Government subsequently reinstated the workers and imposed terms for their continued employment. In August the Government declared the state-owned copper mine, CANANEA, bankrupt, effectively breaking the union at that plant.

Mexican law grants workers the right to strike. Strikes are relatively infrequent, however, usually occurring when collective bargaining impasses arise or when plant closures or layoffs are threatened. Wildcat strikes also occur. The Federal Labor Law of 1931, as amended in 1971, sets forth lengthy and somewhat cumbersome procedures for calling a legal strike. Notice of intent to strike must be filed 6 to 10 days in advance, and efforts at conciliation, mediation, and arbitration between the parties in dispute are required. Local, state, and Federal tripartite conciliation and arbitration boards--composed of labor, employer, and government representatives--conduct these negotiations. The labor law also stipulates that strikes are a measure of "last resort." Article 123 grants public sector workers the right to strike under specific conditions set by the labor law.

Several highly publicized illegal strikes occurred in 1989. As noted above, Mexico city bus workers walked out briefly in May. Earlier, dissident members of the 1.2 million member teachers union SNTE went on strike from April 17 to May 12, effectively shutting elementary and secondary schools in the Federal District and several states, especially in the south. The teachers' principal demands included the ouster of longtime union chieftain (and "moral guide for life") Carlos Jongitud Barrios, a 100-percent wage increase, and internal union democratization. The strike ended after Jongitud resigned (on orders from President Salinas) and the Government conceded a 25-percent wage increase. Additional work stoppages have followed, mostly over democratization issues. In August dissident workers at the parastatal SICARTSA steel mill in Lazaro Cardenas, Michoacan initiated a wildcat strike in demand of a 60-percent wage increase; the strike remained in effect at year's end.

Only one legal strike of any significance took place in 1989.

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A strike in August closed 15 export processing zone factories in Reynosa, Tamaulipas state. Local rivalries between the dominant labor confederation and an independent union prompted the walkout, which lasted 3 weeks. Following state government intervention, the rivals reached an agreement permitting independent unions to continue to operate if they paid dues to the confederation.

Mexican unions may freely form federations or associations and belong to international organizations. The largest of these federations, the 5-million strong Confederation of Mexican Workers (CTM), is also the most powerful. The second largest is the Federation of Government Employees (FSTSE), with slightly less than 2 million members. There are also other, smaller PRI-affiliated confederations. Nearly 8 out of 9 million organized workers are affiliated with PRI-affiliated labor organizations. All PRI-affiliated trade union confederations, and a number of independent unions (totaling 33 in all) are members of the Congress of Labor (CT), which provides overall coordination to the movement. Occasionally, both the CTM and CT take issue with the Government over official wage and economic policies, but open dissent is rare. Though diminished somewhat of late (with several notable union leaders failing at the polls), the practice of placing a significant contingent of union officers in high-ranking government positions, such as that of Federal senator or deputy for the PRI, continues. This symbiotic relationship tends to limit their freedom of action.

The CTM is affiliated with the International Confederation of Free Trade Unions and the latter's Inter-American Regional Organization. One of the smaller independent unions belongs to the Latin American Confederation of Workers. The Communist-controlled World Federation of Trade Unions has one minor Mexican affiliate.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts repeated its observation that several provisions of the 1963 Federal Act on State Employees do not conform with Convention 87 on Freedom of Association, including the prohibition of two or more unions in the same state body, the prohibition against employees in the service of the State from leaving the union, the prohibition of public sector unions joining union organizations of workers or peasants, and the extension of restrictions applicable to trade unions to public sector unions. The Committee asked that the Government make appropriate changes in the legislation.

b. The Right to Organize and Bargain Collectively

Both the right to organize and to bargain collectively are provided for by labor law, and are generally respected in practice. There appear to be few, if any, restraints on union organizing. Collective bargaining is widespread, particularly in industry and commerce. The aforementioned tripartite boards of conciliation and arbitration promote voluntary worker-employer negotiations. The boards have additional, statutory responsibilities, such as registering collective bargaining agreements reached between labor and management.

Workers are protected against antiunion discrimination. Labor laws encourage unionization though there are no legal requirements for unionization in any industry or branch of

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commerce. Although government workers are almost fully unionized, collective bargaining in the government sector is much less common since bargaining does not cover wages, but is limited to certain working conditions. The right to organize and bargain collectively is respected in the in-bond or maquila zones, although workers in some 80 to 90 percent of the firms do not belong to unions. One reason, perhaps, is that in general the nonunion maquila firms provide benefits and working conditions that match or exceed those covered by union contracts.

c. Prohibition of Forced or Compulsory Labor

Mexico is a signatory to ILO conventions regarding the prohibition of forced labor. Such practices are also prohibited by Mexican law. There have been no reports for many years of forced labor in Mexico.

d. Minimum Age for Employment of Children

The law sets the minimum age for employment at 14 years. Children over 14 years but under 16 years may work a maximum of 6 hours per day and are provided additional legal protection. They cannot be employed in certain hazardous jobs. Child labor laws are observed fairly strictly in large and medium-sized manufacturing and commercial establishments. This is less true in small shops and factories, and many street vendors are children. Enforcement of child labor laws is the responsibility of the Labor Secretariat and local, state, and Federal boards of conciliation and arbitration.

e. Acceptable Conditions of Work

The Constitution provides for a minimum wage for workers, with variations for geographic zones and professional specializations. The National Minimum Wage Commission --another tripartite body--sets the minimum rate of pay, approving periodic increases. Since late 1987, successive tripartite economic pacts have restricted the frequency of wage increases. In June 1989, the Government announced a 6-percent increase, bringing the minimum daily wage in Mexico City (the highest of the three geographic zones) to approximately \$3.50. The next adjustment is expected in January 1990.

Inflation and frequent devaluations have significantly eroded the peso's purchasing power, with the average worker suffering a 50-percent decline in real wages since 1982. Although inflation in 1989 appeared to be under control, the current minimum wage provides for a barely acceptable standard of living for the substantial number of workers who receive it. With additional contract benefits, organized workers enjoy a somewhat better standard of living than the unorganized.

The maximum legal workweek is 48 hours. In recent years, the average workweek has declined considerably, to a level of 42 to 43 hours. The CTM and other Mexican unions are currently campaigning for legislation to reduce the legal maximum from 48 to 40 hours. Current tripartite negotiations have featured this issue. In practice, however, many Mexicans work at more than one job and easily exceed the average 42 to 43 hours per week. The Constitution provides for required rest periods, stipulating that no worker may work more than 3 hours of overtime per day nor work overtime more than 3 consecutive days, with overtime pay calculated accordingly. Anecdotal

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evidence suggests that workers frequently exceed these norms.

With respect to occupational health and safety, legislation is relatively advanced and provides substantial protection. Health and safety standards are better observed in large firms. There appears to be a higher incidence of industrial accidents in smaller firms and on construction sites. This does not reflect inadequate legislation, but rather a lack of sufficient inspection personnel to adequately monitor health and safety regulations. Mexican labor law requires the formation of mixed commissions of government, labor, and workers to oversee security and hygiene; it also sets conditions for compensation due to work related illness or injury.

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The Sandinista National Liberation Front (FSLN), a one-party Communist dictatorship, has ruled Nicaragua since a broad opposition coalition toppled the Somoza dictatorship in 1979. The FSLN has ignored its 1979 commitment to the Organization of American States (OAS) to install and foster a genuinely democratic system of government. In 1987 a new Constitution institutionalized Sandinista control over the country's national security apparatus (army and state security) and over the national economy. Both an internal civic opposition and an armed resistance movement (RN) have long challenged the legitimacy of FSLN rule in Nicaragua.

The Sandinista Popular Army (EPS) and the Ministry of Interior (MINT), in addition to their normal military and police structures, maintain an extensive and repressive internal security apparatus. Using Warsaw Pact and Cuban instructors, they have developed a tight internal control system which engages in surveillance and infiltration of the legal political opposition, and which includes the "Committees for the Defense of the Revolution," a system of neighborhood informers based on the Cuban model to monitor and control the population. The EPS and the MINT are under the direct control of the Sandinista party.

Although the economy is technically "mixed", the Sandinista leadership has made it clear that the State and the economy are unalterably Socialist. The Government exercises regulatory authority over much of the economy, is openly hostile to private initiative, and has expropriated private property for political as well as economic reasons. Dissident political expression is often punished by the withholding of food ration cards and other economic punishments.

Under pressure, at a series of Central American summits and in meetings with the internal opposition, the FSLN in 1989 committed itself to take actions which could have an important impact on the human rights situation: to move up national elections from February 1991 to February 1990; to allow political parties and the media to operate with greater freedom; to grant amnesty to political prisoners; to suspend the military draft during the electoral period; to repeal or amend certain draconian laws of public order; and to refrain from confiscation of private property for political purposes. However, there is serious doubt about Sandinista intentions to conduct a free and fair election and to relinquish power if they lose. The political opposition and independent media operated somewhat more freely than in 1988.

Because of serious continuing abuses, the general human rights situation in Nicaragua remained poor in 1989. Political and extrajudicial killings are still being reported, the political opposition still suffers considerable harassment and intimidation, the Government continues to hold political prisoners, and the writ of the security forces still runs deep and wide. While the Sandinistas have allowed the political opposition and independent media to operate with more formal freedoms as elections approach, Nicaragua remains a one-party State. Whether this new "political space" was simply a tactical move by the Sandinistas and will not last beyond the internationally monitored February 1990 election was a major human rights concern at year's end.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were reliable reports of political and extrajudicial killings throughout 1989. The human rights organization Americas Watch (AW) reported a "pattern of summary executions by government forces." Amnesty International (AI), in an October 6, 1989, update on the human rights situation in Nicaragua, reported that it "has continued to receive reports of cases of apparent summary execution of noncombatants in war zones during 1989 from both domestic and international human rights organizations." AI stated that, while it had not yet had the opportunity to verify such cases independently or interview surviving family members, it nevertheless "noted that several cases have been documented independently by more than one source." The Inter-American Commission on Human Rights (IAHCR), in a 1989 report, also reported "complaints" of extrajudicial killings "chargeable" to government forces.

Precise numbers of those summarily killed by government forces remain elusive. AW reported 51 killings attributable to the Sandinistas between March 1988 and June 1989. AI reported 56 killings in its October 1989 update, but some of these predate 1988 and 1989. Another reliable human rights organization reported government forces summarily executed 9 RN members and 13 peasants in 1989. On December 10 in the rural town of Masatepe a United Opposition Union (UNO) political rally was attacked by Sandinista thugs. The ensuing melee resulted in one person being stabbed to death with a machete, while numerous other persons were injured.

It is clear that government security forces continued to carry out extrajudicial killings of Nicaraguan citizens. While specific cases are more readily available for 1988 and earlier, reliable observers reported the continuation of this pattern of abuse in 1989. For example, AI reported that Sandinista soldiers from the Los Millones army base killed five children and one adult who were celebrating a birthday party in Comarca los Pases, Chontales, on January 28, 1989. In another case, the EPS killed a Roman Catholic lay preacher from Matiguas, Matagalpa, on January 27, 1989. Carmelo Mairena Rosales, a farmer from the area of Rio Blanco, Matagalpa, was taken from his home on December 24, 1988, and removed to a state security facility in nearby Matiguas. His dismembered body was found on December 27. No one has been charged with this murder. RN members reported that the EPS captured an RN commander, "Toro," and seven of his men on October 3, 1989, and executed them the next day. The bodies were not recovered.

Most extrajudicial killings attributable to the Government take place in the isolated and rugged areas of central Nicaragua, long areas of sympathy and support for the armed resistance. The killings seem designed to cow the local population; residents in these areas have long reported a climate of fear and intimidation, based on the apparent willingness of local Army and MINT forces to kill suspected resistance sympathizers.

In response to charges of such abuse, the Government took action against 13 EPS soldiers for the murders of 7

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civilians. Nine of these soldiers were convicted, and reportedly are serving prison terms of from 6 to 30 years. Two soldiers were in the trial process, and two others were being sought by authorities at year's end. Both AI and AW claim that the Government has not been consistent in investigating cases and prosecuting suspects.

The RN has also been accused of engaging in summary executions, usually of suspected informers or Sandinista spies. Between March 1988 and April 1989 the organization Witness for Peace charged that the RN carried out 20 killings of noncombatants in Nicaragua. Although RN leaders denied most of these allegations, they accepted some as valid and prosecuted many of those involved. RN commander Isaac Blacker Hurtado, alias "Israelita," was found guilty of the premeditated murder of an alleged Sandinista agent in August 1969. Blacker was tried by an RN tribunal created to judge cases involving RN members in serious crimes. Five other RN members were given lengthy sentences for carrying out a torture-murder.

b. Disappearance

Reports of disappearances generally involve persons initially detained by the EPS or state security forces on charges of draft evasion or collaborating with the RN. EPS military recruitment practices include late evening roundups of young males at schools, movie theaters and other public sites, and at military check points where "recruiters" halt vehicles and remove draft-age men. Those so detained are usually not given an opportunity to notify their families, and relatives must search in military installations throughout the country to determine if the missing person has been conscripted or has in fact disappeared. Some who resist conscription have disappeared permanently.

The Government and private human rights monitoring organizations have charged the RN with kidnaping peasants for conscription and taking them into Honduras. An independent human rights organization reported 18 cases of kidnappings by the RN from January to August 1989. The RN says that many of these persons claimed as missing have in fact volunteered for service with the Resistance. The RN released 104 Sandinista military and Nicaraguan civilians from its holding areas in Honduras on December 29, 1988. Forty-four of the released prisoners returned to Nicaragua, while 60 decided to remain in Honduras as refugees.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Nicaragua's three types of prisons include State Security (DGSE) facilities, national penitentiary prisons, and open farms. The majority of Nicaragua's prisoners are held in the first two systems, and most human rights abuses occur there. Interrogation of detainees is usually conducted in DGSE detention facilities. During interrogation detainees have been subjected to various forms of physical and psychological torture, including food and water deprivation, mock executions, and beatings. The nongovernmental Permanent Human Rights Commission (CPDH) reports that physical torture is more commonly used against peasants, while psychological methods are utilized against members of civic, political, and labor organizations. Death threats against prisoners and their families are also common. The systematic use of these

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interrogation techniques by the DGSE reflects a deliberate policy which targets political prisoners in DGSE prisons or its secret jails.

AI representatives visited the Las Tejas DGSE detention center in Matagalpa in March 1989. The center was temporarily empty, but the visitors noticed several closet-like cells, which the MINT claimed were no longer in use. Subsequent interviews with prisoners in the national penitentiary system prison in Juigalpa, however, revealed that such cells were still being used to force prisoners to cooperate with their captors. The cells are less than a square meter in size; the prisoner cannot move his arms and legs. AI added that "the cells have no openings for light or air and are pitch-dark." Bringing the use of these cells to the attention of the MINT, AI reminded the MINT that it had previously claimed it no longer used such cells or such interrogation methods. In June 1989 AI reported that it had received a communication from the MINT claiming that the MINT had converted the cells into closet spaces.

AI further reported that prisoners who participated in a hunger strike in February 1989 at the Modelo jail in Tipitapa were taken to the El Chipote interrogation center and were systematically physically abused--held handcuffed and naked, deprived of water, and several were beaten. This treatment went on for a number of days. AI stated that 13 of the hunger strikers were reported to have been severely beaten, and that one of them, Rosenda Rugama Guadamuz, was beaten into unconsciousness and removed to the prison infirmary.

Three prisoners, former National Guardsmen Silvio Mayorga, Miguel Cordero, and Guadalupe Pineda, have allegedly been so severely mistreated during their 10 years of imprisonment that a judge in Managua's Fourth Criminal Court ordered them released. The release order was ignored by the director of the national penitentiary system, and the same judge who ordered the release subsequently annulled it. Silvio Mayorga's condition worsened to the point where he was finally placed in a civilian hospital in September 1989.

Several of the almost 1,900 former National Guardsmen who were freed after a 10-year imprisonment on March 17 reported brutal treatment during their incarceration, including sexual torture, beatings, poor sanitary conditions, denial of medical care, and rations of spoiled food. Other former National Guardsmen still in prison (39 remain jailed) also report systematic mistreatment which they claim has continued through 1989.

As reported in the Sandinista media, some of the 44 former prisoners of the RN who returned to Nicaragua in early 1989 alleged they were tortured and generally abused while in resistance prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that a detainee must be brought before a competent legal authority within 72 hours of arrest; this provision is often ignored, and suspects have been held for months without charges or access to counsel. Short-term arrest and interrogation appear to be an integral part of the Government's counterinsurgency tactic of harassing and intimidating suspected RN supporters, especially in isolated areas of the countryside. Such suspects are generally picked

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up at night by the DGSE and normally held until they agree to confess or implicate others in counterrevolutionary activities. Persons suspected of views critical of the Government are often detained and charged with common crimes. The CPDH has reported that in some areas peasants have been charged with "counterrevolutionary activities" if they refuse to join Sandinista mass organizations.

The Government arbitrarily detained hundreds of peasants in 1989 during large-scale roundups of suspected RN supporters in the departments of Chontales, Matagalpa, and Jinotega. Entire families were detained for days in primitive jail facilities for allegedly giving food and assistance to RN forces. Former National Guardsmen residing in Nicaragua have reported widespread abuse and arbitrary arrest. The leaders of this group have been picked up by DGSE agents and threatened with rearrest or even death if they did not cease their organizing work in the ex-prisoners association or if they did not become DGSE informers. Members of the private sector Cattleman's Association, most of whom are reportedly in favor of the political opposition, claim they were arrested on fabricated charges of aiding the RN.

The Government in past years used the Law for Maintenance of Order and Public Security, a vague instrument which criminalized a wide range of antigovernment activities, to charge and sentence many Nicaraguans for political and "counterrevolutionary" activities. As part of an agreement reached with the political opposition on August 4, 1989, concerning electoral conditions, the Government repealed this law in October.

Also as part of the August 4 agreement, the Sandinista Government reformed certain aspects of the Law of Juridical Functions of the Sandinista Police on October 10, 1989. The reform of this law technically eliminates the authority of the Sandinista Police to imprison persons, restoring this authority to the judicial branch of government. The reformed law also requires that a written warrant be used for arrest, except in cases of flagrant crimes. The reformed law nevertheless continues to allow police detention for up to 9 days (essentially the same as the previous law), but the police must now take into account any evidence provided by a defense attorney. The new version, however, apparently eliminates the previous broad discretionary right of the police to imprison persons, on their own authority, for up to 2 years. The reformed law still contains articles that could permit abuses. For example, it authorizes police arrests based on "written orders from other organisms", probably a reference to the MINT's State Security branch (DGSE) and, in some cases, military authorities. By year's end, it was not yet clear if the reformed law will, in practice, substantially reduce arbitrary detentions.

e. Denial of Fair Public Trial

The Anti-Somocista Popular Tribunals, basically nonprofessional political courts, were abolished in January 1988. Nevertheless, many of the untrained judges of these Tribunals have been moved into the regular court system. The influx of these often poorly-prepared jurists has politicized the regular court system to a greater extent than previously was the case. Three Supreme Court Justices resigned in December 1987, charging that the Executive Branch showed no respect for the court and its decisions.

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The majority of Nicaragua's political prisoners were tried and convicted by the Anti-Somocista Popular Tribunals. Despite the abolition of these Tribunals, their cases have not been reviewed. Nevertheless, the Government pardoned 1,783 former National Guardsmen and 72 other prisoners in March 1989. Thirty-nine Guardsmen were not pardoned because the Government claimed they were too dangerous to release and were guilty of especially vicious crimes; the 39 responded that they were still being held because of their refusal to submit to "reeducation." A number of human rights organizations charged that the decision not to release the 39 was politically motivated. In addition, there was criticism that, in choosing which of the Guardsmen it would release, the Government had not followed the criteria for release set forth in an IACHR report on the prisoners. This report resulted from the 1988 Sapoa negotiations between the Nicaraguan Government and the RN, in which it was agreed that there would be a release of former National Guardsmen on the basis of an IACHR investigation and recommendation. The IACHR report, however, has never been made public, reportedly at the insistence of the Sandinista Government. In its annual report, the IACHR said, "by denying a pardon to the 39 persons, the Government of Nicaragua continues to be in violation of the provisions of the American Convention on Human Rights."

In a few instances, the judicial system or National Assembly has released or pardoned criminals apart from a more general amnesty. In April an appellate court freed three Nicaraguans who were convicted in June 1988 for passing "secret" economic data to the U.S. Embassy; the court ruled that the government documents were not secret and that there was no law against the distribution of government economic information. In a separate case, the National Assembly pardoned three prisoners who had been serving long-term sentences for espionage, treason, or other activities against the State.

The August 1989 International Committee of the Red Cross (ICRC) semiannual census of political prisoners showed 1,268 "counterrevolutionaries" and the 39 former Guardsmen. The ICRC count did not include, however, persons held in state security interrogation and detention facilities. Since August 1988, the Sandinistas have released, according to their statistics, some 1,358 peasants accused of counter revolutionary activities. However, the charges against these persons have not been dropped, nor their sentences pardoned; they could be returned to custody at any time. Under Nicaraguan law, the only institution that can grant provisional liberty is the judicial branch, while the National Assembly is the only institution that can legally pardon prisoners. The Government in any case did not publish a list of the peasants given provisional freedom nor make available information on where they had previously been detained. Consequently, it was extremely difficult for human rights monitors to determine whether the prisoners released were convicted "counterrevolutionaries" or detainees who had been held without charge or trial.

The question of how many political prisoners the Government is holding is a contentious one. The Government admits to holding some 1,300 political prisoners. Some local human rights organizations, such as the CPDH or the U.S.-funded Nicaraguan Association for Human Rights (ANPDH), believe the number may be three or four times greater. AI and AW accept as more likely a total figure closer to that provided by the Government. The Government has stated that it would publish a

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master list of all prisoners it is holding for all crimes. This would allow the Government's list to be crosschecked with those of various human rights groups. The Government has yet to publish its list, however, and until it does the total number of prisoners held, political and common, will remain unknown. The Government at year's end stated that it would not release the remaining political prisoners until "concrete" steps are taken to begin the process of demobilizing the RN.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

According to Article 26 of the Constitution, the Government cannot violate the home, correspondence, or communication of Nicaragua's citizens. By law, a private home may only be searched with a warrant from a competent judge or another expressly authorized official to prevent a crime from being committed or to avoid injury to persons or goods. Despite these restrictions, homes of civic opposition leaders have been searched without a warrant. Unauthorized searches of homes to locate draft-age men have been common. In rural areas, military and DGSE troops routinely search homes without a warrant.

The Government also routinely monitors the telephones of political, business, and labor leaders; it intercepts and examines correspondence mailed both within the country and from abroad. A wide network of DGSE informants monitors the activities of persons suspected of anti-Sandinista attitudes or behavior. In sum, putative national security needs have largely overridden the Constitution on the inviolability of the home and private communications.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Prior to the formal suspension of offensive operations in March 1988, civilian casualties due to indiscriminate artillery fire were common. As noted in the case of RN commander "Toro" (see Section 1.a.), the rights of prisoners were not always respected. Both sides in the armed conflict have been accused of killing prisoners. The Government suspended its declared cease-fire on November 1, 1989. By year's end, it was not yet clear if this action would seriously impede the activities of humanitarian organizations in conflictive areas. The RN, in several cases, suspended officers who were tried and convicted of human rights violations in the conduct of their field operations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the state of emergency--which permitted broad restrictions on freedom of speech and press--was lifted in January 1988, the Provisional Law on Communications Media remained in effect. This law grants the Media Directorate of the MINT significant power over the press, including the power to order suspensions. In May 1989, the Independent Journalists Association filed a lawsuit against the Government for its continued use of the Provisional Law on Communications Media. The Sandinista-dominated Supreme Court decided in favor of the Government, and the Independent Journalists Association denounced the action before the IACHR.

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During the August 4 meeting with the internal opposition, the Government agreed to reform the more onerous aspects of the media law, especially those parts dealing with MINT control over the media. The law was reformed in September 1989, but the changes appeared to be minimal. The Supreme Electoral Council (SEC), during the electoral period, will be "charged with applying the media law and appropriate regulations in all areas pertaining to the electoral law." This leaves the vast majority of media affairs under the control of the MINT. Regarding the new media law, the IACHR said in its annual report that the law, "grants excessive and counterproductive powers to the Ministry of the Interior," which it characterized as a "political agency." The IACHR also criticized the new law for maintaining a "government monopoly on television."

Nicaragua's only daily opposition newspaper, La Prensa, and independent radio stations have been outspoken throughout the year in their criticism of the Government. Nevertheless, they operate under continuing government pressure designed to intimidate and restrict their freedom of expression. For example, the Government continued its prohibition against any government entity placing notices or advertisements in La Prensa, which the Government accuses of being a spokesman for the RN and the United States Government. In November 1989, the independent Radio Catolica was the subject of a complaint filed by a Sandinista radio station, charging Radio Catolica with violating the electoral law by broadcasting partisan political ads. The SEC warned the radio station not to do so again; Radio Catolica rejoined by noting it is forced to carry Sandinista propaganda and electoral activities whenever the Government deems them "news" and forces all the media to carry the items on nationwide networks.

While the situation of the media improved, compared to 1988, the Government continued to engage in a pattern of censorship and harassment. The MINT warned the director of the independent radio station Radio Corporacion to modify the tone of his commentaries. Three employees of Radio Corporacion were threatened by State Security agents because of their employment at a station opposed to the Government. The Government also warned La Prensa in writing that its editorials should show more respect for the leaders of the revolution. Officials of Radio Catolica's news program were also warned by the Government to be more cautious in presenting information and to "project less violence" in the station's news broadcasts. Other sources of intimidation of the media include government control of supplies of newsprint, a particular problem for La Prensa, and the arbitrary delay in releasing equipment and spare parts for opposition media from customs control, a problem encountered by Radio Corporacion.

Radio Catolica's news broadcasts resumed on March 20 after being curtailed on July 11, 1988, following its coverage of the Sandinista breakup of an opposition rally in Nandaime, but the independent radio news broadcast "Cinco en Punto" (Five O'clock Sharp) was suspended in January following its transmittal of news on cuts in the Nicaraguan defense budget. A foreign journalist from Freedom House was expelled in July after being accused of spying. Sandinista authorities seized 500 copies of an exile newspaper, Nicaragua Hoy, at the Managua airport in November, refusing to allow them into the country.

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b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of association, assembly, and peaceful demonstrations. However, opposition political rallies during the year often continued to be marred by the presence of Sandinista-controlled mobs--the so-called turbas. The turbas generally attempt to provoke violence, and they often succeed. Opposition rallies throughout the country in October and November 1989 witnessed rock-throwing incidents and beatings. The Sandinista toughs usually attacked stragglers arriving late to the rally or stoned those on the fringes of it. The opposition has begun to register complaints about these activities with the SEC and with international observers, but the Sandinistas generally deflect criticism of the actions of the turbas by claiming that they are simply a spontaneous manifestation of the people's enthusiasm. In two instances, turba attacks against opposition rallies resulted in large-scale violence and death. The press and observer organizations wrote extensively about these incidents in Cofradia on December 3 and Masatepe on December 10..

Citizens in the more isolated parts of the country have reported being directly threatened with physical harm if they attend opposition rallies. Workers have been threatened with losing their jobs if they attend opposition events. Such an incident happened in the town of Mandaime prior to a rally on November 19. Several U.S. Congressmen were shown threatening letters left at the doorsteps of the citizens of Muelle de los Bueyes, Chontales, the night before a November 12 opposition rally. The departments of Matagalpa, Jinotega, and Chontales have witnessed significant Sandinista harassment of those wishing to attend opposition events. In general, the more isolated the area, the more direct have been the threats. A UNO rally in Masatepe on December 10 was disrupted by Sandinista thugs; one UNO supporter was mortally wounded in an assault attributed to the thugs by electoral observers of the bipartisan, U.S.-based Center for Democracy.

For much of 1989 legal assembly was impeded by the Government's requirement that all outdoor demonstrations receive prior approval from police authorities. Many rallies were effectively crippled by the withholding of government permission until the last moment. Publicity for the rallies was prohibited until such permission was obtained. Commencing in September 1989, however, prior permission was no longer needed for political rallies that form part of the electoral campaign. The opposition was able to plan and carry out outdoor rallies without such prior permission.

The Government sent a circular note to all diplomatic missions in Managua in June stating, in part, that foreign diplomats were not permitted to observe political rallies or meetings. Members of Managua's diplomatic community were privately informed by the Government that the ban applied only to U.S. diplomats. On July 31, four U.S. Congressmen were ordered by MINT officials to leave the city of Diriamba, where they had been invited by an opposition party to attend an outdoor rally. The Congressional delegation was escorted out of town by MINT officials, who told the Congressmen that their safety could not be guaranteed.

A number of private and professional organizations exist in Nicaragua. Their members are able to meet and to maintain contact with their foreign counterparts. Several of these

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private organizations, however, have been the focus of verbal attacks by FSLN officials and by the Sandinista press. The Superior Council of Private Enterprise (COSEP), for example, has been described by the Government as an agent acting against Nicaragua. The private civic organization, Via Civica, which has been active in encouraging voter registration and education in connection with the February elections and which receives funding from the U.S. National Endowment for Democracy, was the subject of harsh attacks in the pro-Sandinista daily El Nuevo Diario.

The Government continued its policy of confiscating the property of its private sector critics. In June 1989, the farms of three leading coffee growers, who were also COSEP or coffee growers' association leaders, were confiscated following their criticism given during a meeting of the coffee association in the town of Matagalpa of Government economic policies. The three were charged with "discouraging production" and fomenting anarchy and social chaos during a period of economic crisis.

For a discussion of freedom of association as it applies to organized labor, see Section 6.a.

c. Freedom of Religion

The Constitution provides for the free exercise of religion. Nicaragua is 85 percent Roman Catholic; the rest of the population belongs to a variety of Protestant denominations or professes no faith. There are no direct restrictions on religious activity or association, but the regime has a generally hostile attitude toward the Catholic Church, which it views as a rival to its control over Nicaraguan society.

The Government's relations with the leader of the Catholic Church in Nicaragua, Cardinal Miguel Obando y Bravo, continued to be hostile during 1989. Sandinista-controlled women's groups conducted weekly protests for much of the year demanding that the Cardinal intercede on behalf of relatives allegedly held prisoner by the RN, and the Sandinista-controlled press printed occasional articles clearly designed to undermine the position of the Church and its leaders. On the other hand, the Government permitted the former leader of the Church's social action program, COPROSA, to return to Nicaragua in order to resurrect the program, and President Ortega announced in March that 10 foreign priests expelled in 1984 could return to Nicaragua. The Government did not return to the Church COPROSA's vehicles and equipment, which it confiscated when it shut the program down in 1985.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government imposes restrictions on foreign travel through the use of exit visa requirements. The Government limits some opposition figures to single-exit visas; it also often denies exit visas to young men of draft age or to professionals with skills needed by the State. Exiles returning to Nicaragua are required to sign a document upon arrival declaring that they renounce any ties with the RN. There were no reports of refugees being forcibly expelled from Nicaragua in 1989. Several prominent figures who have in the past been associated with the RN voluntarily returned from self-proclaimed exile; they reportedly encountered no special harassment.

NICARAGUA**Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution states that "political pluralism assures the existence of participation of all political organizations in the economic, political, and social affairs of the country, without ideological restrictions except for those which seek a return to the past or advocate the establishment of a similar political system." While a wide variety of political parties, ranging from Communist to conservative, have legal status, the right of citizens to peacefully change their government has not yet been tested in Nicaragua.

The Marxist-Leninist Sandinista Party, more than the formal institutions of government, is the de facto ruler of Nicaragua. Its nine-man Directorate makes all the essential decisions of state, which are subsequently endorsed by the various ministries and the 103-member National Assembly. The powerful EPS and MINT are for all practical purposes instruments of the Sandinista Party and are used to ensure its monopoly of power. This symbiotic relationship between the party and the State throws into serious question the right of citizens to change their Government. "Bourgeois" formalisms, such as free elections, are not central to the Sandinista political philosophy. Thus, while recognizing that the Sandinista Government has in fact taken many steps to establish the formal mechanisms for free elections, their commitment to holding free and fair elections in 1990, with the possibility of a real turnover of power to an elected opposition, continued to be viewed with skepticism by many observers.

The October voter registration process for the elections was, for the most part, orderly, but opposition figures complained that registration was sometimes obstructed by the Government in rural areas, where the opposition anticipate support, and said their observers did not always receive their credentials promptly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government states that it welcomes international scrutiny of its human rights record, but has shown itself to be sensitive to attempts to probe too deeply into its human rights practices. It continued during 1989 to attack independent Nicaraguan human rights groups. The Government-sanctioned human rights group focused virtually all of its attention during the year on alleged human rights abuses by the RN.

International human rights groups made visits during 1989. AI and AW both conducted prison inspections, but AI's visits were to State Security detention centers that had been emptied of prisoners. The ICRC visited political prisoners held in the regular national penitentiary system, and was continuing negotiations with the Government over visits to detention centers. The IACHR also visited Nicaragua, but its full report on political prisoners was not published, reportedly at the insistence of the Government. The IACHR 1989 annual general report did include sections on Nicaragua, which concluded that the trials of ex-National Guardsmen lacked validity under international human rights law.

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The CPDH was founded to document abuses during the rule of the deposed dictator Anastasio Somoza, and its work has continued during the Sandinista regime. The CPDH has been the target of many Sandinista attempts to discredit it, the latest occurring in September 1989 when the Government attempted to malign the organization's reporting on political prisoners. CPDH members report frequent harassment and threats. The CPDH is routinely denied access to government prisons and is not allowed to seek information from MINT personnel. In July 1989 CPDH investigators were denied entry to the town of La Libertad in Chontales, where they wished to investigate numerous charges of human rights abuses. CPDH Executive Secretary Lino Hernandez was told by MINT officials that the MINT had issued orders to keep him out of town. Prisoners and their families are warned by Government officials not to report abuses to the CPDH.

Other Nicaraguan organizations that investigate and record allegations of human rights violations include the Office of Legal Assistance for Ethnic Minorities of the Atlantic Coast, the Office of Legal Assistance of the Evangelical Committee for Development Aid, and the Legal Aid Office of the Central American University. The ANPDH, based in San Jose, Costa Rica, is a U.S. Government-funded group independent of the RN but clearly opposed strongly to the Sandinista regime. It trains RN combatants in respect for human rights, and investigates reports of RN abuses. The ANPDH opened an office in Managua in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Nicaragua's minorities, numbering some 80,000 Indians and 26,000 English-speaking blacks, live primarily on the Atlantic coast. Sandinista efforts after 1979 to integrate the Atlantic coast more closely with the rest of Nicaragua alienated much of the coast population and generated many human rights abuses, including forced relocation, destruction of villages, mass imprisonments, killings, and disappearances. These conditions led to mass flights of Indians to Honduras. An autonomy statute was promulgated in September 1987 which purports to establish a democratic and responsive program for meeting the special needs of the Atlantic coast minorities. However, it fails to address major issues of fundamental concern to the area's indigenous groups, such as allocation of income from regional resources. In June 1989 Indian leaders Brooklyn Rivera and Steadman Fagoth announced they would return to Nicaragua to reintegrate into their communities and to participate in Atlantic coast political life. They and other Indian leaders returned in August and September.

The Government also continued to facilitate the return of Miskito refugees from Honduras. The U.N. High Commissioner for Refugees (UNHCR) office in Managua reported that 2,557 Nicaraguans had returned through UNHCR programs through the end of September, including 884 Miskito Indians who returned from Honduras, and four who returned from Costa Rica.

Violence against women, including domestic violence such as wife beating, exists in Nicaragua. However, a lack of reliable statistical data makes it very difficult to determine the true extent of this problem. Victims of such abuse frequently are reluctant to report it or to press charges, leading to the likelihood that it is significantly

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underreported.

The Government does not tolerate such violence. In particular, the Sandinista mass organization, the Luisa Amanda Espinoza Association of Nicaraguan Women (AMNLAE), assists in protecting the rights of women and bringing cases of violence against individual women to the Government's attention. AMNLAE also urges government sanctions against publications that may contribute to violence against women by publishing articles that feature women as sex objects. Women are not subject to any special restrictive measures by the Government, and they participate in most levels of the economy and society.

Section 6 Worker Rights

a. The Right of Association

Article 87 of the Constitution provides workers the right to associate in organizations of their own choosing and to elect their own representatives. In practice, however, the Government often uses coercion, economic pressure, or force to impede workers' rights to organize and elect their representatives. For example, in October 1989 the leadership of the government-controlled Sandinista Workers' Central (CST) used economic coercion to expel the leadership of an independent construction union, SCAAS. The CST was able to capitalize on government control of the country's battered construction industry to coerce workers to renounce the leadership of the SCAAS, an affiliate of the anti-Sandinista Independent Confederation of Labor (CGT-I). With unemployment at about 60 percent in the construction sector, the CST was able to use the threat of job loss to lure workers from the CGT-I and to establish a rump Sandinista-controlled SCAAS, which then was given legal status by the Government.

The right to strike is recognized in Article 83 of the Constitution. However, a decree law in 1981 stipulated that any worker who incited a strike could be jailed for up to 3 years. In May 1989, a series of wildcat strikes by teachers broke out throughout the country. The teachers complained about the dramatic drop in their purchasing power due to hyperinflation and currency devaluations. In response, the Government and the Sandinista-controlled mass organizations launched a propaganda campaign to discredit the teachers, accusing them of being "unpatriotic" and "agents of the U.S. Embassy." In fact, the majority of the disaffected teachers were members of the Sandinista-controlled National Association of Nicaraguan Educators. The strikes were eventually quelled through economic coercion and Sandinista-sponsored intimidation.

The CST is affiliated with the Communist-controlled World Federation of Trade Unions. The other major Sandinista labor body, the Rural Workers Association, is not affiliated with any international body. Anti-Sandinista trade unions are allowed a measure of freedom to maintain international contacts, although subject to Government surveillance and harassment. For example, the Confederation of Labor Unification is affiliated with the International Confederation of Free Trade Unions (ICFTU), and the Confederation of Nicaraguan Workers is affiliated with the World Confederation of Labor (WCL).

ICFTU, WCL, the Latin American Workers' Central, and the

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International Organization of Employers (IOE) have filed a number of complaints against the Government of Nicaragua. These complaints allege that the Government violated International Labor Organization (ILO) Convention 87 on Freedom of Association by, among other things, the murder, assault, intimidation, and imprisonment of trade union leaders, the destruction of their property, and denial of their right to express their views. These complaints have alleged the harassment, intimidation, and imprisonment of employer representatives and the confiscation of their property. In September 1988, an ILO study mission was dispatched to Nicaragua to investigate these allegations. Based on the mission's report and conclusions, the ILO Committee on Freedom of Association (CFA), at its November 1988 meeting, urged the Government to take concrete measures in the shortest period of time to apply fully the Conventions on Freedom of Association, including changes in legislation and the release of worker and employer representatives from prison. The CFA recommended the establishment of a Commission of Inquiry unless the Government provided information demonstrating a change of attitude and a clear desire to make progress before the Committee's next meeting.

At its November 1989 meeting the CFA summarized the various Freedom of Association complaints brought against the Government of Nicaragua by the ICFTU, the WCL, and the IOE. Acknowledging some cooperation from the Government, the Committee noted its failures to respond to requests and recommendations and continuing contradictions between statements of the complainants and the Government, and recommended that the matter be referred to a Commission of Inquiry (COI).

During 1989 the ILO Committee of Experts (COE) and Committee on the Application of Conventions and Recommendations (CACR) also considered complaints against Nicaragua. The COE noted the lifting of the state of emergency, but cited reports of ILO representatives and committees indicating that a number of excessively severe regulations remained in effect, including the General Provisional Act which forbids the publication, distribution, circulation, exhibition, dissemination, showing, transmission, or selling of writings which compromise or endanger internal security, national defense, or national economic stability. Noting that elements of the media had been suspended under this Act, the Committee called on the Government to give full guarantees of expression to worker and employer representatives so they could defend the interests of their members.

The COE noted that 60 strike actions had been recorded in 1988 but that trade union organizations had reported pressure and repressive measures against strikers. The COE noted other provisions or omissions in Nicaraguan legislation which do not accord with Convention 87, including: failure to guarantee the right of association to public servants and other groups of workers; requirement of approval of an absolute majority of workers in a work place in order to form a union; and excessive limitations on the right to strike, including the Government's authority to refer strikes to compulsory arbitration. The COE expressed the hope that new legislation correcting these and other deficiencies would be promptly enacted.

The CACR also observed the persistence of divergencies between law and practice and the full application of ILO Conventions

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87 and 98 (collective bargaining), and requested the Government to take promptly all measures necessary to eliminate restrictions concerning the right of employer and worker representatives to freely exercise the rights guaranteed by these two conventions.

b. The Right to Organize and Bargain Collectively

Articles 82 through 88 of the Constitution contain a number of labor rights, including the right to negotiate individual or collective bargaining agreements. Nicaraguan workers, however, do not enjoy these rights in practice. The Government does not prohibit, but state-owned companies also do not engage in, collective bargaining with independent labor unions. Moreover, the Government directs its own Sandinista-controlled union, the CST, to accept what the Government proposes. With respect to working conditions, the Government simply does not negotiate with unions on this issue.

Restrictions on independent union organizing activity are mostly extraofficial and indirect. Union activists are subject to state-sponsored intimidation by Sandinista militants. There are no economic processing zones where additional restrictions or regulations on labor apply.

In its 1989 report, the COE repeated its longstanding request to the Government to repeal Decree 530, which requires that a collective bargaining agreement must be approved by the Government before it can become effective, in violation of Convention 98 on collective bargaining.

c. Prohibition of Forced or Compulsory Labor

Although there is no official policy of using forced labor, the Government uses its Sandinista Defense Committees (CDS) to mobilize local communities to perform specific economic development projects, ostensibly on a voluntary basis. The CDS chiefs in various neighborhoods are responsible for organizing these labor crews for weekend work projects. Those who do not participate in these projects are reportedly subject to a range of sanctions that could affect their working conditions, housing situation, or children's schooling.

d. Minimum Age for Employment of Children

Children under the age of 14 legally are not permitted to work. Article 84 of the Constitution states "child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited." This law is generally enforced in the small modern sector of the economy, but children frequently work on family farms at an earlier age.

e. Acceptable Conditions of Work

The Government has not strictly enforced employer compliance with occupational health and safety requirements. In June 1988, the Government suspended the National System for Ordering Work and Salaries, although it continues to serve as a "reference point" for employers in determining wages and salaries. The minimum wage for workers varies from sector to sector. For example, the average wage for agricultural workers is about \$32 per month. The average minimum wage for industrial workers is \$58 per month, and in the service sector about \$19 per month.

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For state workers, these salaries are augmented by food allocations and other incentives. With hyperinflation having reached five-digit figures for 1988, and likely to reach four-digit figures in 1989, the real purchasing power of workers has plummeted dramatically over the past year and the living standard for the working class has declined sharply. The Government periodically adjusts state workers' salaries; however, Government officials have acknowledged that these salaries are not adequate to provide the basic needs of workers. The legal workweek in Nicaragua is 48 hours for most workers. The legal workday for agricultural workers is 6 hours, and the workday in the mining sector is 7 hours.

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The Constitution provides for a representative democracy, with direct popular election of the president and legislature, an independent judiciary, and a broad range of civil and individual rights, but in practice Panama was ruled during most of 1989 by a military dictatorship under General Manuel Antonio Noriega, the Commander of the Panama Defense Forces (PDF). On December 19, Guillermo Endara, who was widely credited with having won elections in May that were subsequently annulled at Noriega's behest, was sworn in as President. The Noriega regime was ousted by U.S. forces that entered Panama on December 20 to protect U.S. lives, ensure U.S. ability to meet its obligations under the Panama Canal Treaties, help restore democracy to Panama, and bring Noriega to justice on narcotics-related charges in the United States.

Under the Noriega dictatorship, Panama's security and police institutions both fell under the PDF, which was composed of Army, Navy, Air Force, and police components consisting of approximately 15,000 members, all responsible to the PDF Commander. One of the Endara Government's first acts was to disband the PDF and replace it with a new organization, the Panamanian Public Force (FPP), under direct civilian authority. Although the precise structure and responsibilities of the FPP were still being worked out in early 1990, the Panamanian Government indicated that the FPP would be a national police organization, with a national air service and a national maritime service established as separate entities.

The continuing political crisis throughout 1989 had a deep impact on Panama's service-oriented economy, which is sensitive to public and international confidence. Panama's gross domestic product dropped by 20 percent in 1988 and an additional drop was projected for 1989.

Human rights under the military dictatorship steadily deteriorated throughout 1989. Elections were annulled, protest brutally repressed, and an unconstitutional regime that ruled by decree was installed. A rebellion led by PDF officers failed and many participants were tortured, killed, or imprisoned. The Noriega dictatorship closed all the country's opposition media, took over two television stations, and intimidated a third. The Inter-American Commission on Human Rights (IACHR) concluded in its 1989 report that Noriega's de facto regime violated the rights to humane treatment, personal liberty, movement and residence, and thought and expression. On the most basic level, the report stated that the Noriega provisional government was "devoid of constitutional legitimacy." Upon taking office, President Endara made the observance of human rights, the correction of prior human rights abuses, and the prosecution of human rights violators matters of the highest priority for his administration.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The Panamanian Human Rights Committee (CPDH) confirmed a number of killings in connection with the May 1989 elections, including Nicolas Van Kleef, a Dutch priest killed on election day and Alexis Guerra, an opposition vice presidential

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candidate's bodyguard, killed during a political rally on May 10. According to CPDH lawyers, the regime made no effort to investigate these deaths. Relatives or organizations representing the victims tried to pursue their rights through the Noriega-controlled courts, but without success. The new Attorney General named by President Endara immediately began investigating human rights abuses, with over 50 cases being handled as of early January 1990.

On August 3, eyewitnesses reported, that in reaction to a large demonstration the PDF illegally entered the University of Panama campus and deliberately shot to death a student, Luis Antonio Gonzalez Santamaria, with birdshot at point-blank range. Gonzalez apparently was picked at random for execution to deter protests on the campus. Two other students were reported wounded in the attack.

After the October 3 military uprising, there were reports that rebel soldiers who led the effort to oust General Noriega were alive when they laid down their arms. The Noriega regime later announced that 10 of them had been killed in the fighting. The new Attorney General announced that his office's investigation had found evidence that Major Giroldi Vera, who led the coup attempt, had been shot to death in jail the day after he was placed in detention.

Officials of human rights groups and the Catholic Church indicated that from 90 to as many as 233 military personnel may have been summarily executed after the military rebellion on October 3. Many are believed to have been tortured before death. Bodies returned to families reportedly had multiple fractures, cuts, evidence of severe beatings, and bullet wounds inflicted at point-blank range.

b. Disappearance

People in Panama seldom disappeared permanently under the Noriega regime, although there were a few cases in past years. CPDH lists only two persons who are believed to have disappeared, of whom only one is thought to have political implications. By the end of 1989, a University of Panama student rights group began circulating names and pictures of several persons thought to have disappeared.

Throughout the year, the Noriega regime arrested and held incommunicado a number of political opponents. Information on the whereabouts of many of these detainees was kept from family members and lawyers, and habeas corpus applications and appeals for the protection of constitutional rights were ignored.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

General mistreatment, physical and mental abuse, and outright torture at the hands of the PDF was common in 1989. After both the May 7 elections and the October 3 rebellion, many Panamanians reported waves of deaths, arrests, detentions, and torture by members of the PDF or paramilitary groups under their control. Victims commonly reported that they were robbed, held in extended solitary confinement, often in cells too small to permit standing up or lying down and filthy with human excrement, and denied the opportunity to bathe. They were frequently stripped naked and exposed alternately to cold and heat, or deprived of food, sleep, and medical treatment.

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Other forms of severe abuse reportedly included using electric shocks to various parts of the body; handcuffing arms into extremely painful postures; burning the feet or buttocks with heaters, cigarettes, or branding irons; threatening homosexual rape; threatening death by holding a gun to the head; and employing vicious beatings.

Less commonly, victims charged that they were forced to listen to or witness the torture of others, including relatives, to be tortured in front of relatives, to sit naked on blocks of ice, to have fingernails or toenails extracted, and to suffer male and female rape. Victims also had fingers or other appendages amputated, or were cut with razor blades (in one case the word "yanqui" was carved on a victim). There was a report that four rebel military personnel were stuffed alive into body bags and placed in freezing morgue lockers until they died of suffocation or cold. During public demonstrations, common PDF tactics included the use of birdshot, rubber truncheons, water cannons using water laced with acid, and tear gas. Many of these charges were covered in the IACHR report.

After the May elections, opposition legislative candidate Olimpo Saenz was arrested and taken to Carcel Modelo prison in Panama City, where for 8 hours he was suspended by his handcuffed wrists from the rim of a basketball hoop, with his toes barely touching the ground and his neck wrapped tightly in an American flag. He was beaten repeatedly with rubber hoses, and his screams were reported from nearby apartment buildings. He suffered a similar, second round of beatings the following day, in which he was forced to remain standing during the duration of the torture which lasted 14 hours. This treatment resulted in internal injuries and his subsequent hospitalization.

On October 3 Christian Democrat Raul Ossa, a former legislator, was incarcerated and physically and psychologically tortured for 6 days. He was denied food and sleep, punched, beaten, and continuously interrogated. Another Christian Democratic activist, Gustavo Cedeno, was abducted, interrogated, and beaten on December 5 and 6 before he was released.

Prison conditions under the Noriega regime were generally inadequate and in some cases constituted cruel or inhuman treatment. Most prisoners in Panama City's Carcel Modelo prison had no beds, only blankets, and one U.S. citizen imprisoned there contracted tuberculosis from poor nutrition, unsanitary conditions, and the lack of beds. Prisoners at Carcel Modelo reported that they could hear the screams of persons who were being tortured or beaten. Conditions at the prison on the Island of Coiba were believed to be so bad that threats of being sent there were often used to subdue prisoners in other facilities. The Endara Government has publicly declared its intention to reform Panama's prison system.

d. Arbitrary Arrest, Detention, or Exile

The Constitution establishes the right of a detainee to a judicial determination of the legality of the detention and requires a warrant for arrest, except in cases of persons arrested during the commission of a crime. A suspect may not legally be detained for more than 24 hours without being charged and brought before a magistrate. Police are required to inform accused persons immediately of the reason for their

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detention. After being charged with a criminal offense, an accused person may be held until authorities conduct an investigation and bring the case to trial.

In practice, the Noriega regime routinely disregarded constitutional requirements and due process for persons incarcerated for political offenses. Frequently, prisoners were moved from one place of detention to another while authorities were denying to attorneys and family members that the detainees were in custody. A favorite tactic was to have night courts impose lengthy, "noncommutable" sentences (criminal sentences are otherwise routinely commuted for good behavior). For example, in several cases a year-long, noncommutable sentence was imposed for the distribution of opposition newsletters. In many cases, prisoners were never charged and had to file a writ of habeas corpus, which can take as long as 6 weeks to process and was regularly ignored by PDF authorities.

The judicial system suffered from a chronic backlog under the Noriega regime, resulting in as many as 3 years' incarceration of prisoners awaiting trial. Such prisoners constitute a large portion of the prison population. Time spent in jail awaiting trial counts toward completion of the final sentence for those convicted.

In 1989, by conservative estimates, 300 Panamanians went into exile and three times as many were incarcerated (military prisoners are included in the estimate). Approximately 300 persons were jailed during the elections in May, and another 100 civilians were incarcerated thereafter. In the wake of the October 3 military insurrection, reported estimates of PDF personnel arrested and incarcerated varied from 200 to 600.

The persons who went into exile in 1989 included three key opposition figures: Aristides de Icaza, owner and director of Radio Exitosa radio network; Jose del Carmen Serracin, of the opposition Authentic Panamenista Party (PPA); and newspaper publisher Jaime Padilla Beliz. (All three returned to Panama after December 20.) The Noriega regime attempted to deport two members of the Catholic clergy: Spanish priest Jose Majadas and Peruvian nun Elsa Maria Schaus, the principal of a Catholic school (who was actually forced to leave Panama for a few days). In both cases, public pressure resulted in the return of the clergy to their communities.

During 1989 the PDF was involved in hundreds of incidents of harassment of U.S. military personnel and dependents in Panama, often culminating in illegal detentions and denial of due process under the Panamanian Constitution and the Panama Canal Treaty. A U.S. citizen and military dependent, Kurt Muse, was arrested in April, subjected to sleep deprivation, intimidation, and interrogation, and held without charge in solitary confinement until December 20, when he was freed by U.S. forces. Another American citizen, Leonard Accles, was also held without charge in similar "preventive detention" for over a year, with lengthy periods of solitary confinement, until after the U.S. intervention when he was released. He was physically and psychologically abused when arrested, and consular access was denied for long periods.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The Constitution provides that persons charged with crimes are presumed innocent until proven guilty and have the right to counsel. The local bar association and National University law school offer legal counsel at nominal fees. The Government provides public defenders for indigent defendants, but only after the pretrial phase. A new judicial code, which became effective April 1, 1987, provides for public trials based on oral testimony and argument. However, most trial procedures are still conducted with written presentations by the prosecution and defense without the presence of the accused. The documents produced are available for examination by both sides. In general, the burden of proof rests on the prosecution. The right to appeal a verdict is available to the prosecution and the defense.

The Constitution provides a number of safeguards designed to maintain the independence of the judiciary: the Supreme Court is chartered to uphold the Constitution and laws; magistrates are barred from simultaneously holding other public office or otherwise participating in politics; Supreme Court magistrates, who are nominated by the President and ratified by the Legislative Assembly, nominate all lower court judges. The Attorney General, appointed by the President and confirmed by the Legislative Assembly, appoints Superior Court District Attorneys, who in turn nominate Circuit District Attorneys. A system of magistrates, named by mayors, deals with a high volume of minor civil and criminal cases. Magistrates are empowered to impose fines of less than \$600 and to order detentions of up to 1 year, and their decisions can be appealed only to the mayor and not to any judicial official.

However, the Constitution's provisions for an independent judicial system were largely ignored by the Noriega regime. The most serious obstacle to obtaining a free and fair trial lay in the interference of the PDF. The military not only meddled with the outcome of specific trials, but in practice appointed judges and transferred or dismissed those who did not respond to PDF directives. This influence extended to all levels of the court system.

In June the CPDH asserted that the Noriega regime had violated many provisions of the country's legal code by its practices of holding mass trials without due process, refusal to recognize habeas corpus writs, detention and sentencing of persons without charges, sentencing of minors as adults, and rejecting or ignoring evidence offered in defense of accused persons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were credible charges that the Noriega regime routinely tampered with mail and that telephone calls were extensively monitored. The CPDH reported that one regime official publicly admitted this in a radio interview. Under the Constitution, judicial warrants must be issued before officials may enter homes. However, warrants to search homes of regime opponents were freely granted to the PDF by the PDF-controlled courts. The military and paramilitary forces also frequently searched homes, destroyed or removed private property, and detained persons found on the premises without appropriate warrants or court orders.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, and in the past Panama traditionally enjoyed free media which engaged in spirited and open criticism of the Government. The Noriega regime responded to the ongoing political crisis by subjugating the media, both electronic and print, either to complete regime control or severe self-censorship. All opposition media were closed in February 1988. At that time, the regime also eliminated local distribution of foreign news publications.

In 1989 the Noriega regime further tightened control of the media by prohibiting opposition newsletters, closing a semi-independent radio network, and attempting to curb the international press. By December 19, there remained only one nonregime radio program of news commentary, and it stayed on the air by never criticizing the military. In November an earlier prohibition against live call-ins for radio news commentary programs was extended to sports and general entertainment programs as well. Many Panamanians listened to frequently jammed Radio Impacto, which broadcast news and anti-Noriega information from Costa Rica, and to the Voice of America. Any Panamanian caught with a copy of the Tropic Times, the English-language newspaper of the U.S. Southern Command, was subject to a \$300 fine. Regime commentators launched a campaign of personal attacks against some Panamanian journalists who worked for international wire services or otherwise tried to maintain some objectivity in reporting.

Before and during the May elections, foreign journalists were allowed to come to Panama, but 10 of them were expelled immediately afterward. Also during the elections, Panamanian cameraman Fernando Arauz was severely wounded when he was reportedly shot in the chest by armed government supporters. French journalist Bertrand de la Grange, a Le Monde reporter, was hit in the waist by birdshot fired by a soldier.

The Endara Government has declared its full commitment to freedom of the press. Since it assumed power on December 20, three newspapers, (La Prensa, El Siglo, and El Panama America) which had been banned by the Noriega regime, have reappeared and are being operated by their rightful owners. A fourth paper, Critica Libre, has been returned to its rightful owner. Soon after the December 20 U.S. military intervention, the owner of television channel 4 took possession of that station's facilities and began broadcasting freely. The Endara Government has taken possession of a number of radio stations that had been confiscated by the Noriega regime for distribution to Noriega's followers, pending investigations to determine the rightful owners. Former Noriega supporter Tomas Altamirano "Fito" Duque continues freely to publish his newspaper, La Estrella de Panama.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, but the Noriega regime continued to interfere with this right on a systematic basis. Harassment--including attacks on demonstrators by brutal paramilitary squads and random detentions--was used to disrupt protests or even peaceful assemblies. In 1988 the PDF formed "dignity

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battalions"--paramilitary groups of civilians, PDF members, unemployed persons, released criminals, and government employees charged with political or publicity functions. The dignity battalions received small arms and other military training from the PDF. In 1989 the PDF increasingly used these groups to harass political opponents and public demonstrators and to commit other human rights abuses. For example, dignity battalions participated in the attack against opposition political candidates at the Santa Ana Plaza on May 10, where at least one opposition supporter died and many people--including an opposition candidate for vice president--were bloodied and injured in events covered by the world media. The PDF also responded to peaceful protests with the use of tear gas, baton charges, birdshot, and water cannons using water mixed with acid.

Meetings of professional, social, and civic groups were severely restricted by the Noriega dictatorship in 1989. A 1988 decree prohibited nonprofit groups (which range from charities and church organizations to civic clubs such as the Lions) from supporting or engaging in any activity the regime considered threatening to the security of the State. On October 5, 1989, Noriega announced so-called war laws, which forbade political gatherings by any civic organization and eliminated all government employee associations that functioned like unions. (Unions legally registered with the Government were exempted from this law. An exception was also made for the public employee umbrella group FENASEP, which has a history of government control.) With an elaborate system of informants in the student and teacher ranks, frequent school closings, and repeated arrests, antiregime student leaders were effectively intimidated.

The Endara Government, in response to the breakdown in public order immediately following the December 20 U.S. intervention, declared a temporary curfew from 11:00 p.m. to 5:00 a.m. The new Government stressed that the curfew was temporary and was designed to protect lives and property in an uncertain security situation.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for religious freedom, and there is no state religion. Although Roman Catholicism is predominant, there are no restrictions on the free exercise of religious beliefs, including proselytizing. The Catholic Church took a strong anti-Noriega moral position, and its leadership was attacked sharply by the Noriega-regime press. Priests (many of whom are foreigners) were threatened with expulsion to deter them from speaking out against the Noriega regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution permits Panamanians to move freely within the country and to emigrate. However, freedom of movement was curtailed severely in the days before and after the May elections. PDF members manning checkpoints searched vehicles and asked for passenger identification. Election observers were frequently escorted away from the interior of the country. In one case, their airplane was confiscated, and the observers had to return to the capital by road. The

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authorities interfered with and detained opposition leaders attempting to visit constituencies in the interior.

Following the December 20 military action, U.S. forces temporarily blocked certain roads and established a number of vehicular and pedestrian checkpoints. The Endara Government worked with U.S. military authorities to remove obstacles when no longer needed and to replace U.S. troops with FPP personnel at the few checkpoints that remained as of January 15, 1990.

Panama has accepted refugees of widely differing ideological persuasions, and hundreds of displaced persons and exiles from other countries reside in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In early 1989, faced with approaching elections, the Noriega regime launched a wave of repression, closed most opposition media, limited the opposition's access to the media, and attempted to keep the foreign press out of Panama. Although some opposition rallies were permitted, free campaigning was clearly restricted. Despite massive regime fraud, the Civic Democratic Opposition Alliance (ADOC) won the election by a three-to-one margin, according to independent observers, including the Catholic Church. The Catholic hierarchy, an international observer delegation led by former President Jimmy Carter, and the official U.S. delegation headed by Congressman John Murtha (D-PA) denounced the electoral fraud.

After the elections, in which vote counters were attacked and four people were murdered, many opposition candidates and participants were forced into hiding and exile or were arrested and tortured. On May 10, the winning opposition slate leaders were publicly beaten, and one was hospitalized. One of their bodyguards was killed and another wounded. The CPDH reported that by June 1 over 140 persons had been detained in postelection roundups of political opponents.

The May 1989 elections removed any remaining pretense of quasi-legal civilian government. Provisional President Francisco Rodriguez was installed by General Noriega on September 1 as the regime's chief executive. New elections, although alluded to by the regime, were not scheduled. On the civilian side, the PDF wielded its control in part through the governing Democratic Revolutionary Party (PRD). Although the legislature was disbanded in September, the PRD continued to play an important role because its members filled most key positions in the Government.

On October 3, a group of PDF officers led an unsuccessful attempt to overthrow the Noriega regime. Thereafter, Noriega and his loyalists reportedly killed as many as 90 PDF personnel and arrested or dismissed several hundred others for their alleged involvement in the rebellion.

On December 20, the ADOC candidates for President (Guillermo Endara), First Vice President (Ricardo Arias Calderon), and Second Vice President (Guillermo "Billy" Ford) took their oaths of office. The Electoral Tribunal announced that its annulment of the May 7 election had been coerced by General Noriega and the PDF, and issued a new decision recognizing the victory of the ADOC candidates. As of January 15, 1990, the Electoral Tribunal was engaged in issuing the official election results of the May 7 legislative elections. Most

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legislative races were expected to have clear winners. In cases where doubt existed, new elections were to be held.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The IACHR in November issued a severely critical report on human rights violations in Panama, calling on the Noriega regime to restore political rights, return to constitutional order, stop all violence against the civilian population, release political prisoners, authorize the return of exiles, and open the media.

Other international human rights groups were critical of Panama, but during the past year, only the IACHR visited the country and carried out an investigation. The IACHR delegation visited prisons and spoke with political opponents but was prevented by the regime from visiting the opposition newspaper La Prensa. The International Committee of the Red Cross requested but was denied access to political prisoners in 1989.

Several private human rights groups operate in Panama, including one organized by students at the University of Panama. Since the political crisis began in June 1987, these groups have collected data about individual cases of abuse, acted as advocates for detainees, observed opposition demonstrations, and voiced concern about human rights violations. Toward the end of 1989, many of these human rights activists were harassed and arrested by the Noriega regime. Two private groups that are generally respected both within and outside Panama are the CPDH and the Center for Investigation of Human Rights and Juridical Assistance of Panama.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, birth out of wedlock, social class, sex, religion, or political views. Owing to traditional bias and general economic conditions, Panamanian women generally do not enjoy the same economic opportunities as men. Panamanian law does not recognize community property, and divorced or deserted women are often left destitute. Although the Constitution mandates equal pay for equal work, wages paid to women are lower than those for equivalent work performed by men and increase at a slower rate.

According to local officials of the Catholic Church, violence against women and children in the family is a serious problem; however, there are few published statistics. A 1985-86 study funded jointly by the Government and the University of Panama entitled "Exploratory Study on the Physical Mistreatment of the Panamanian Woman," by Dr. Carmen Anthony and Gladys Miller, used data gathered from hospitals. The study concluded that the problem was serious and needed to be addressed by the Government and social agencies. Both the Catholic Church and the Ministry of Social Welfare have programs directed at the problem. Church officials state that their program mainly serves poorer women because upper-class women tend to seek private medical assistance.

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Panama is a racially mixed country. The traditional monopoly of power by persons of European descent effectively ended with the ouster of the civilian government by the military in 1968. People of mixed race are active politically and are represented in senior civilian positions in the executive branch and in the PDF.

The law does not discriminate against any social, religious, or cultural group. However, naturalized citizens may not hold certain categories of elected office, and the Constitution reserves retail trade to native Panamanians.

Section 6 Worker Rights

a. The Right of Association

Historically, Panamanian workers enjoyed a wide range of benefits under the law. The rights to organize labor unions and to strike were generally unrestricted in the private sector as well as in certain public sector agencies specified by law. Elections within Panamanian labor organizations, as well as employer and professional associations, were generally democratic and free from government interference. These organizations were unrestricted in their right to affiliate with international bodies, and their members freely participated in political parties and other aspects of Panamanian political life. However, the political crisis has had a severe negative impact on workers' rights in Panama. Workers have been fired, arrested, and jailed for exercising their labor rights. The Noriega regime effectively controlled almost all labor organizations and leaders. Within this constraint, workers remained generally free to join the union of their choice.

Four decree laws handed down in October gave the Noriega regime added power to dismiss public employees, suspend the award of legally mandated bonuses, hire and fire free of traditional restraints, and regulate employee meetings. The regime subsequently used all of this authority.

Most public-sector employees are forbidden to form unions or to strike. The "war laws" enacted by the Noriega regime in 1989 abolished public employee representative associations, which functioned like unions. Only the regime-controlled public employee umbrella association, the Federation of Public Sector Employees (FENASEP), was granted an exemption. Legally registered unions also were exempted from these laws.

In an October speech to labor leaders, Noriega told them that they no longer had the right to strike. This was echoed by then Government and Justice Minister Renato Pereira in an October 1989 television address, when he said that "it is no longer legally possible to declare a strike." No major strikes occurred in 1989.

The Endara Government has indicated its receptivity to labor concerns, including revising labor decrees and laws. Exiled labor leader Isaac Rodriguez returned to Panama soon after December 20 and has led labor efforts to persuade the new administration to rescind the Noriega regime's antilabor provisions.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) reiterated its observation that certain provisions of the law do not conform with Convention

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87 on Freedom of Association, including: a requirement of 50 workers (or 10 employers) in order to form a union (or employer organization); prohibition of more than one union in an enterprise; a requirement that 75 percent of the members of a union be Panamanian; automatic removal from office of union officials dismissed from their employment; extensive powers of the authorities over records and accounts of unions; and the exclusion of public employees from the labor code and, consequently, from the right to organize and bargain. The committee urged the Noriega regime to bring its legislation into compliance.

A complaint filed by the International Confederation of Free Trade Unions, and the World Confederation of Labor and its regional organization for Latin America, the Confederation of Latin American Workers, allege that the Noriega regime arrested 4 trade union officials and 50 members of the Water and Electrical Workers Union, searched and closed the union's offices and confiscated its funds, and arbitrarily discharged 50 trade union officials and 350 workers. At its May-June 1989 session, the ILO Committee on Freedom of Association asked the Noriega regime to supply details of the judgments and the status of the cases against the union officials and workers and urged the regime to reply to the other allegations in the immediate future.

In June 1989, the ILO Conference Committee on the Application of Conventions and Recommendations considered the same issues regarding Panamanian labor law that were addressed by the COE and repeated its request that Panamanian law and practice be brought into conformance with the Convention.

b. The Right to Organize and Bargain Collectively

Denial of the right to organize in two important private sector areas, the Colon Free Zone and offshore banking, has long prompted concern among labor leaders. In other areas, the Noriega regime selectively denied, or interfered with, this right. During 1988 and 1989, the Noriega regime succeeded in illegally gaining control of the elections and the leadership of the largest private sector labor central, the Confederation of Republic of Panama Workers (CTRP). The right to bargain was in jeopardy in those cases in which the Noriega regime perceived that its economic or national interests were at stake. Labor leaders charge that the regime used the Ministry of Labor to protect extensive economic interests of regime members in violation of the labor code.

c. Prohibition Against Forced or Compulsory Labor

Panama has an extensive labor code, which prohibits forced or compulsory labor. There was no forced labor in Panama in 1989.

d. Minimum Age for Employment of Children

The law prohibits work by children under 14 years of age or under the age of 15 if the child has not completed primary school. Both hazardous and night work are prohibited for persons under age 18. Children between ages 12 and 14 may perform farm or domestic labor as long as the work is light and does not interfere with schooling. However, in the deteriorating economic climate, some children worked in violation of the existing law.

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e. Acceptable Conditions of Work

Panama has a comprehensive labor code, which in theory gives extensive rights and benefits to workers. The maximum legal workweek is 48 hours. The law has established a minimum wage for most work categories and requires that substantial bonuses be paid for overtime. According to Panamanian labor leaders, the minimum wage is sufficient to provide at least a minimally decent standard of living for a worker and his family. Although changes in the labor code in 1986 released employers from the obligation to pay certain bonuses and overtime premiums, employers still are required by law to provide workers with compensation adequate for a decent standard of living. The economic downturn resulting from the political turmoil since mid-1987 has caused many employers to reduce work hours or employee pay in order to stay in business, and many workers accepted the nonenforcement of certain labor code provisions to prevent a permanent loss of their jobs.

The labor code details numerous health and safety standards for all places of employment. Female employees are entitled to receive 12 weeks' mandatory maternity leave and the right to return to their jobs. The Ministry of Labor and Social Welfare is responsible for ensuring compliance with these regulations, but too few inspectors and widespread corrupt practices have hampered strict enforcement of the labor code.

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Paraguay, independent since 1811, has been ruled almost continuously by authoritarian regimes. In early 1989, however, a new Government committed itself to a transition to democracy and respect for human rights and subsequently took important steps toward that goal. On February 2, 1989, General Andres Rodriguez overthrew the 34-year-old dictatorship of General Alfredo Stroessner. On May 1, in what were judged by observers to have been relatively free and fair elections, President Rodriguez received a mandate to guide the country's transition to democracy. Nonetheless, at year's end, the military and the ruling Colorado Party remained the principal sources of power.

The police forces, under the overall authority of the Ministry of Interior, hold primary responsibility for internal security and maintaining public order. However, after the February coup, the military, which in the last years of the Stroessner regime seldom was called upon to control the civilian population, was used several times to end illegal land occupations by campesinos.

The political opening initiated by President Rodriguez was complemented by economic reform. The new Government pursued market-oriented economic policies, including the elimination of a multiple exchange rate system that contributed to corruption and contraband. Corruption, however, remains a serious problem. The Government also is considering the privatization of some unprofitable state enterprises. Paraguay is a predominantly agricultural, private enterprise-oriented country. Business associations, influential during the Stroessner years, continue to be significant, both politically and economically, but they now are confronted by the growing strength of organized labor.

The new Government took significant steps to reverse the repression of human rights prevalent during the Stroessner years. Political exiles were allowed to return, and opposition political parties, previously banned, were legally recognized and allowed to operate freely. Press restrictions were largely lifted, but a cautious press continued to exercise a measure of self-censorship. Newspapers and radio stations closed by Stroessner were allowed to reopen. Movement was made toward an independent judiciary by including one member of the opposition on the Supreme Court and several others on lower benches. There was a much greater, although not complete, respect for freedom of assembly. Short-term political detentions were fewer (though problems remained), and the country's last two political prisoners were freed. Meanwhile, recognition of and respect for labor rights improved substantially, with workers free to organize, meet, and march. Two of the country's leading human rights activists were elected to Parliament. Two laws used by the Stroessner regime to prosecute opponents for political activity were repealed, and the Government ratified the American Convention on Human Rights and the Inter-American and U.N. Conventions against torture. Several police officials accused of torturing political detainees under the Stroessner regime were removed from their jobs, and criminal proceedings were initiated against some.

Human rights concerns shifted from basic to more complicated issues. A very significant impediment to full transition to democracy lay in the flawed voting procedures and electoral laws that make it very difficult for any opposition party to

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win an election against the President and his party. The freer political climate gave birth to rising expectations among previously repressed groups, particularly landless campesinos and independent labor unions. The new Government at times reacted by violently breaking up demonstrations and detaining leaders; the investigation and prosecution of former police torturers moved slowly; respect for habeas corpus remained questionable; the press was circumspect in criticizing the President; and the Government often failed to protect worker rights to collective bargaining.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Two unsubstantiated cases of politically motivated deaths were reported by the press in 1989. Neither case appeared to involve government culpability. On March 25, opposition Authentic Radical Liberal Party (PLRA) leaders reported that a party committee member in the interior town of Acahay was slain. According to the local press, the man was killed by another member of the PLRA. In another case, a Colorado youth was killed on October 1, reportedly as a result of internal party bickering in the town of Borja.

b. Disappearance

There were no reported cases of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Paraguay ratified the Inter-American Convention Against Torture in October. The Inter-American Human Rights Commission reported in September, however, that it still was receiving reports of sporadic cases of torture and abuse by security personnel. Nevertheless, these appeared to be isolated cases mostly in areas outside the capital city and neither systematic nor reflective of government policy. The Government dismantled torture centers used by the Stroessner regime and initiated prosecution of former officials accused of torture. Additional investigations were under way, but by the end of the year no cases had been concluded, and it remained to be seen to what extent those responsible for human rights abuses under the previous regime would be held accountable (see Section 1.e.). While abuse of prisoners occurs relatively less frequently than during the Stroessner years, rough treatment of prisoners is still common.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for a judicial determination of the legality of detention and stipulates that any person arrested without a warrant must be presented formally before a judge within 24 hours of his detention and have charges filed against him within 48 hours. Authorities continued frequently to ignore these provisions in both political and criminal cases during 1989 although not as routinely as in the past. Some political detainees continued to be held incommunicado. For example, Efigenio Lisboa, a prominent trade unionist in Ciudad del Este, was arrested in June by military authorities

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and held incommunicado in military detention for 27 days for a speech the military found offensive. No charges were filed, and Lisboa was released.

Exile no longer was used as a means of political control in 1989, with one exception. Although the exact number is unknown, beginning immediately after the February coup, political exiles--political and trade union activists as well as writers and members of the performing arts--began returning to Paraguay. The only exiles not permitted to return were members of the still illegal Paraguayan Communist Party (PCP). Many PCP members returned clandestinely and were not arrested or otherwise harassed by the Government. However, Ananias Maidana, the Secretary General of the PCP who had been living in exile for more than a decade, was refused permission to enter Paraguay when he attempted to return to the country on December 12.

Mario Mancuello, whose son disappeared in police custody in 1976, was freed from the arbitrary punishment of having to sign in before 7 a.m. every day at his local police station, as he had been required to do for the previous 12 years.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

In general accordance with the civil law tradition, trials are conducted almost exclusively by presentation of written documents to a judge, who then renders a decision. The accused often appears before the court only twice--to plead and to hear sentencing. All judgments are automatically reviewed by an appellate judge, and the law provides for appeals to the Supreme Court. Court proceedings are not open to the public. Court proceedings in cases of a sensitive political nature are held in secrecy, and any subsequent press reports are based only on the attorneys' or judges' comments.

The Constitution and the Penal Code provide numerous safeguards to protect the rights of individuals. While nominally independent, the judiciary has been, in effect, subordinate to the executive branch, which exercised its influence through the presidential appointment of judges, control over the judiciary's budget, and through the discipline of the ruling Colorado Party. Supreme Court Justices are appointed to serve for the same 5-year term as the President of the Republic. Executive interference, administrative shortcomings, and the lack of adequate financial support for the judicial system limit the right of an accused to a fair and speedy trial. More than 70 percent of accused persons, after serving in detention the normal time prescribed as a penalty for the crime of which they are accused, are then released without ever having their trial proceedings completed. To protest the long delays in the judicial processing of their cases, 166 detainees in the men's National Penitentiary of Tacumbu went on a hunger strike in May. The hunger strike produced no major results. While no prisoners were released, public attention was drawn to the plight of detainees being held for prolonged periods without having been tried or sentenced. Judges, including the Supreme Court Justices, continued periodically to visit the country's prisons to interview inmates to determine the status of their cases.

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The popular perception that the police and judicial institutions of the State still serve those with political, military, or economic power discourages some citizens from reporting police abuse. Public confidence in the equal application of the law was not enhanced in 1989 when high-level Stroessner-era public officials accused of theft of public funds were allowed to take advantage of a technicality in the law to evade prosecution by donating to the State large sums of money or land. By contrast, in September, an attorney who had filed several such criminal complaints was detained without bail on charges of extortion and blackmail, which, according to the press, were based on accusations from an official of a government ministry.

President Rodriguez assumed office promising an independent judiciary. A move toward that goal was the unprecedented appointment in June of a non-Colorado Party member, Christian Democratic jurist Jeronimo Irala Burgos, to the Supreme Court. Another sign of change came in early August when the executive branch acceded to a decision of a lower court judge and allowed two Europeans married to Paraguayans to return to Paraguay. The two had been expelled by the Stroessner Government on charges of carrying out subversive activities and were turned back by the police when they tried to return in July. As a sign that much remained to be done, however, judges alleged that they had been pressured to slow down the processing of cases against ex-Stroessner officials accused of human rights abuses and theft of public funds. Later, the Government threatened but stopped short of transferring four judges presiding over such cases.

The new Government abolished the infamous security laws 209 ("Defense of Public Order") and 294 ("Defense of Democracy") used by the Stroessner regime to jail political opponents arbitrarily.

Paraguay's last two remaining political prisoners were freed during 1989. Alejandro Mella Latorre, a Chilean journalist imprisoned for 8 years as a coconspirator in the Asuncion assassination of ex-Nicaraguan dictator Anastasio Somoza, was released February 16. Mella Latorre had remained imprisoned after completing his original sentence, awaiting the outcome of his trial for alleged involvement in a prison riot. The Stroessner regime had refused to release him even though he already had served more time in jail for the alleged second offense than the penalty for that crime. Remigio Gimenez, who was serving a 30-year sentence, was freed August 29, after 11 years in prison, after the Supreme Court overthrew his 1978 conviction, ruling that the statute of limitations had run out before he had been found guilty of the crimes police alleged he had committed in the 1950's.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While government and security forces generally do not interfere in the private lives of citizens, there have been notable exceptions. Although private homes are protected constitutionally from police entry except under the terms of a judicial warrant or to prevent a crime, this protection often has been ignored in practice.

With the exception of some isolated cases, after the coup the Government stopped interfering with the Paraguayan Human

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Rights Commission's (PHRC) mail. The organization reported no knowledge of further problems mailing its newsletter overseas.

The Interior Ministry in February voided the use of Special Agent police identity cards. Known as "stool pigeons," these police informants were a notorious tool used by the Stroessner regime to maintain surveillance over the populace.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Despite broad constitutional assurances of freedom of speech and press, Stroessner tolerated little of either. After February 2, however, an unprecedented degree of freedom of expression emerged in Paraguay. Both the print and broadcast media, as well as political activists and individual citizens, were able to speak out without government interference on subjects they never dared broach during the Stroessner years. The day after the coup, General Rodriguez publicly pledged his Government would respect freedom of expression; he has kept that promise. The Catholic station, Radio Caritas, forced by the Stroessner regime to reduce its broadcasting power weeks before the coup, returned to full strength the day after Stroessner's fall. Radio Nanduti, jammed and then forced off the air by the Stroessner Government in 1987, resumed broadcasting within days after the coup. The newspaper ABC Color resumed publication in March, 5 years after being closed by Stroessner. The opposition Febrerista Party's weekly newspaper El Pueblo, shut down in 1987, also returned to the streets. The Inter-American Press Association (IAPA), which met in Paraguay for the first time in April, praised the new journalistic freedom in Paraguay.

Only 2 weeks after the coup, Paraguayan television viewers were treated to a televised debate among opposition and Colorado Party spokesmen. Opposition party presidents Domingo Laino (Authentic Radical Liberal), Euclides Acevedo (Febrerista) and Jorge Dario Cristaldo (Christian Democratic) exchanged views with Colorado Party Vice President Edgar Ynsfran on a range of issues. Radio Nanduti owner Humberto Rubin was the guest journalist. Under Stroessner, the opposition effectively was barred from all appearances on the two national television stations, even during news broadcasts. During the campaign for the May elections the government-owned radio station granted free broadcasting time to the competing opposition parties. Two weeks after the coup, Asuncion's Channel 13 televised live a discussion on torture in which the panelists, victims of torture during the Stroessner regime, told their stories and answered call-in questions from viewers.

Despite its newfound freedom, the press demonstrated a certain discretion, even caution, in 1989. Paraguayan editors exercised a considerable degree of self-restraint in what they did and did not publish. While radio and television were more aggressive and provocative, one glaring taboo remained: no one publicly said anything derogatory about President Rodriguez. In one example, the Central Unitaria de Trabajadores (CUT) labor federation waged a vociferous campaign against Colorado Senator Blas N. Riquelme in support of striking workers at his brewery. Although it was widely known that President Rodriguez was a part-owner of the brewery, CUT never publicly attacked the President.

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In a specific instance of limitation of freedom of expression in 1989, the Government prohibited the performance of the play "San Fernando," written by Paraguayan playwright Alcibiades Gonzalez Delvalle, which portrays national hero Francisco Solano Lopez in an unfavorable light.

Although legally the public National University (UNA) is autonomous, under Stroessner faculty positions were reserved for Colorado Party members, and students complained about the lack of differing perspectives taught in the classroom. In 1989 change in academia was slower than elsewhere in the society. After the coup, students clamored for a voice in administrative and faculty appointments and repeatedly demonstrated to protest alleged abuses. A major objective of the students was to bring about the ouster of Stroessner-era deans who, according to the students, had repressed student activism, were guilty of financial irregularities, or were incompetent. Students won a number of those battles. In one example, the dean of UNA's School of Philosophy resigned in August after students campaigned for months for her removal, accusing her of administrative irregularities. In 1989 student groups favoring opposition political parties and dissident Colorado Party factions continued to participate openly in free student government elections, often winning.

b. Freedom of Peaceful Assembly and Association

The rights of peaceful assembly and association provided for by the Constitution were violated regularly by the Stroessner Government. In 1989 one of the clearest and most immediate changes after the coup was the removal of many former restrictions. Before the coup, police insisted on prior authorization for opposition gatherings and routinely denied such authorization. The new Government required no such authorization. Just 3 days after the coup, the Government announced that it would not interfere with a march planned by the opposition National Accord that Stroessner's Government had vowed to prevent. The march of thousands took place February 11, without police interference. Radio Nanduti, which frequently was prevented from holding public forums in its auditorium in 1988, was the site of numerous opposition political gatherings after the coup, especially during the election campaign. Opposition political, labor, and student groups held many rallies and marches during the year.

There were limits, however, to the new respect for freedom of assembly. In February the Interior Ministry imposed a ban on demonstrations in the heart of downtown Asuncion, citing the need to maintain public order in the congested commercial district. In July the youth arm of the PLRA canceled a march after the police vowed to use all necessary measures to enforce the ban. In one case, the Government unleashed attack dogs on procampesino demonstrators in the restricted area on June 23; several persons were bitten. On October 11, police detained for 20 hours three prominent trade unionists belonging to the CUT after they led a march on the presidential palace. That night, police used water-hoses to break up a demonstration by workers protesting the arrests. The next day, police used force against landless campesino and urban homeless marchers. No one was injured seriously, but the incidents showed that government tolerance for demonstrators had its limits.

The Government also showed greater respect for freedom of association. Under Stroessner two of the country's five

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opposition political parties--including the largest, the PLRA--were illegal. Before the May 1 election, the Government granted legal recognition to all parties that applied. These recognized parties included the existing PLRA and Christian Democratic Parties, as well as six new parties formed during the campaign. In another move, teachers were no longer required to belong and contribute financially to the Colorado Party.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholicism is the predominant and official religion in Paraguay, but the Constitution provides for freedom of conscience for all persons. The new Government continued to respect that freedom in 1989, with all religious denominations free to worship as they chose. Adherence to a particular creed confers no advantage or disadvantage, and conversion from one faith to another is not interfered with. Foreign and local missionaries proselytize freely.

The Rodriguez Government has attempted to mend the rupture that occurred in church-state relations during the Stroessner years. In his first public statement after taking power, General Rodriguez listed respect for the Catholic Church as one of the reasons for the coup. A Spanish priest expelled in 1988 was allowed to return to Paraguay.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general, Paraguayan citizens travel freely within the country with virtually no restrictions, but there continued to be periodic and random roadblocks in rural areas to verify possession of national and voter registration cards and the current payment of registration fees, as well as to intercept stolen cars and contraband. In 1989 the Government discontinued the practice of denying passports to opposition leaders. Paraguayan passports still are not valid for travel to Communist countries, and the Government does not allow citizens of Communist countries to enter Paraguay. There were, however, some exceptions to these rules in 1989. The Government chose not to interfere in the travel of a Paraguayan delegation to the Communist-sponsored World Youth Festival in North Korea in July. Earlier, the Government first denied and then agreed to grant a visa to a Hungarian youth leader to allow him to visit Paraguay to assist the organizing efforts of the Paraguayan delegation to the Festival.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1989 Paraguay was in the process of a transition to democracy, scheduled to culminate in 1993 with the election of a new President, but significant problems remained. Although the May 1 general elections, following a free and open campaign, were the most honest in recent Paraguayan history, Paraguay still was in the process of building effective democratic institutions. While there was more tolerance of opposition in 1989, President Rodriguez dominated the political scene, as did Stroessner before him. The ruling Colorado Party's two-thirds majority in the Senate and Chamber

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of Deputies gave it complete control of the legislature, which did not reject any significant presidential proposal during the year.

Although President Rodriguez and the Colorado Party received approximately 70 percent of the votes, certain factors diminished the citizenry's ability peacefully to change their government. Paraguay's antiquated polling system allowed for fraud. Among the widespread voting irregularities were the consistent lack of secret balloting, registration of voters on election day, inaccurate voter lists, and distribution of ballots outside polling booths. Another shortcoming was the law that gives the party that wins a plurality of the parliamentary vote two-thirds of the seats in both chambers. Nevertheless, eight parties, including two formed during the campaign, competed in the multiple-party, multiple-candidate election that was witnessed by over 100 international observers. These observers were allowed to travel and visit polling places freely.

General elections, held every 5 years, next will take place in 1993 (the 1989 election was to select a government to complete Stroessner's term). Municipal elections, also held nationwide every 5 years, will be held in October 1990, when for the first time local governments will be directly elected. The law requires that all Paraguayans between 18 and 60 years of age vote; sanctions for not voting rarely were applied. Although the Constitution provides for equality of political rights for women, in practice women continued to play only a minor role in Paraguay's political life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During 1989 the Government welcomed discussion of human rights in Paraguay with a variety of outside governmental and nongovernmental organizations. In August Paraguay ratified the Inter-American Human Rights Convention, and agreed to a visit in 1990 of the Inter-American Human Rights Commission (IAHRC) of the Organization of American States, which had been barred by the Stroessner regime. The IAHRC's 1989 Annual Report on Human Rights in Paraguay noted the Government's pledge to correct the pervasive abuses of the former regime.

Local organizations remained active in the investigation and defense of human rights. Four major human rights groups operate in Paraguay: the Committee of Churches (supported by foreign churches), the Paraguayan Human Rights Commission (which publishes a periodic newsletter), PRODEMOS (a group that includes Roman Catholic Bishop Mario Melanio Medina among its leaders), and the local chapter of the Association of Latin American Lawyers for the Defense of Human Rights. The Catholic Church also is an active advocate of human rights. The Church's weekly newspaper Sendero includes reports on alleged human rights violations as a major part of its editorial format. Two of Paraguay's leading human rights advocates, Carmen Casco de Lara Castro of the Paraguay Human Rights Commission, and Francisco Jose de Vargas of the Committee of Churches, were elected opposition members of Parliament in the May election. As a result of the country's improved human rights situation, the Committee of Churches in 1989 underwent a reorganization, shifting some of its attention away from prisoner assistance toward civic education.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Ethnically, socially, and culturally, Paraguay has one of the most homogeneous populations in South America. More than 90 percent of the people are of mixed Guaraní Indian and Spanish descent. An even larger percentage of the population is Roman Catholic. The large majority of Paraguayans speak both Guaraní and Spanish. Partially because of these common unifying elements, there is no clear evidence of discrimination based on race, religion, or language in Paraguay. In fact, in political and military circles, fluency in Guaraní and ties to peasant or rural origins are considered advantageous.

The participation of women in the social and political system of Paraguay is limited through informal means in this still predominantly male-dominated society. There are, however, no laws limiting participation of women. There are several nongovernmental women's organizations which focus primarily on encouraging civic education and greater participation in the democratic transition process. While the traditional social system limits the participation of women, they long have been active in the economy, particularly those women from lower income groups, and they increasingly participate in business, the professions, and the artistic world. In 1989 the Congress studied a proposal formulated by women's groups to reform discriminatory provisions of the Civil Code pertaining to marriage and property rights of women. President Rodríguez broke a longstanding informal barrier when he appointed a woman, Dr. Cynthia Prieto, as Minister of Health--the first woman minister in the history of Paraguay.

Violence against women, such as wife beating, is fairly common in Paraguay. Such abuse is against the law, but the law is not generally well enforced. Legislation pending in the Chamber of Deputies would establish a subsecretary ministerial position (probably within the Ministry of Health) with responsibility for women's issues.

Paraguay has an unassimilated Indian population estimated at 75,000-100,000 which is generally ignored and neglected. The Government's National Indigenous Institute has the authority to purchase land on behalf of Indian communities and expropriate private property under certain conditions to establish tribal homelands. The Government actively encourages church groups to work with indigenous populations in health and welfare, as well as in religious matters. The problems of the indigenous population, particularly those involving land claims, continued to receive frequent media attention. Although there is a government agency responsible for Indian affairs, the social services (schools, health posts, etc.) in Indian areas are generally of relatively poor quality compared with those in other areas of the country.

Section 6 Worker Rights

a. The Right of Association

Paraguay has been without beneficiary status in the U.S. Generalized System of Preferences (GSP) program since 1987, when it was found not to be in compliance with the GSP statutory requirements regarding internationally recognized worker rights. Paraguay was removed from the program after a review of charges that Paraguayan workers were being denied

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freedom of association and that their leaders were being harassed.

After the February coup, private sector workers became free from government interference to form and join unions of their choosing without previous authorization. Public sector workers, however, continued to be prohibited by law from unionizing. After the extralegal restraints of the Stroessner regime were removed, Paraguayan workers organized scores of new unions. Only a small proportion of Paraguay's workers were organized, however.

Numerous International Labor Organization (ILO) experts came to Paraguay in 1989 for meetings with the Ministry of Labor to explore ways of improving labor rights in Paraguay. In August international trade unionists from Latin America, Western Europe, and North America attended meetings in Asuncion of the International Confederation of Free Trade Unions (ICFTU), including a session of the ICFTU's Human Rights Committee. In October the Ministry of Labor hosted an international, tripartite conference on "Labor Relations in a Democratic Society" in cooperation with the Government of Spain. Government, business, and labor leaders from Argentina, Spain, Uruguay, and Paraguay shared their recent experience of the transition from authoritarianism to democracy. However, the lack of participation by the principal leaders of Paraguay's major business associations drew criticism from their foreign counterparts and from the Minister of Labor.

In a significant change from the Stroessner era when the government-controlled Confederation of Paraguayan Workers (CPT) dominated organized labor, by the end of 1989 it appeared that most Paraguayan trade unions were independent of the Government and the ruling Colorado Party. A second labor central, the National Workers Central (CNT), was legally recognized in July 1989. It is affiliated with the World Confederation of Labor and its regional organization, the Latin American Confederation of Labor (CLAT). In August a third labor central, the Unified Workers Central (CUT), was formed by approximately 80 independent labor unions and campesino organizations. The CUT was legally recognized in October. The new CUT maintains contacts with the ICFTU and its regional body, the InterAmerican Regional Workers Organization (ORIT), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and the Communist-controlled World Federation of Trade Unions (WFTU), as well as with Brazil's CUT.

During the year, CUT increasingly came to dominate the labor scene while the CPT, which maintained its ties to the Colorado Party after the coup, suffered from internal divisions. The Stroessner Government, for political reasons, often arbitrarily denied legal recognition to independent trade unions. After the coup, the Ministry of Labor recognized all unions that met the legal requirements. By the end of the year, over 200 unions had been recognized. Among the newly recognized unions that previously had been denied legal status was the first union at a savings and loan bank. The Inter-union Workers' Movement (MIT), grew from eight member unions to approximately 30 in the first 6 months after the coup. MIT is not formally a labor central.

The right to strike, while recognized under Paraguayan law, remained difficult to exercise due to the complex legal process of factfinding, arbitration, and adjudication--which

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can involve delays of several years--required before a strike can be considered legal. There were no major strikes declared legal in 1989. In late August, a wave of worker walkouts hit the country, of which the four major strikes all were declared illegal by the Ministry of Labor's Conciliation and Arbitration Board. The law prohibits public sector workers from striking.

Meanwhile, in response to growing labor unrest, the Government in September formed a new nonofficial government-worker-employer Labor Mediation Commission made up of representatives of the Ministries of Labor and Commerce, the country's three labor centrals, and the two leading business associations. In its first case, the new tripartite panel resolved a dispute at a lumber mill, ending both a strike by the workers and the temporary closing of the plant by the company.

The general respect for human rights that began with the overthrow of Stroessner directly affected the labor movement. Workers were free to hold meetings and stage protests, and the Government generally did not harass their leaders. There were some exceptions, however. Efigenio Lisboa, a prominent trade unionist in Ciudad del Este, was arrested twice in 1989, and spent much of the year in detention (see Section 1.d.). In October police detained overnight three CUT leaders for leading a march on the Presidential Palace. Meanwhile, police used water-hoses to break up a demonstration by workers protesting the arrests. (See Section 2.b.)

Two striking workers were killed by the Armed Forces at Itaipu Dam on December 12. The two were members of a splinter faction of the union representing workers employed by Itaipu contractors, a faction which had been on strike for the past 2 weeks. The two workers were taking part in an illegal effort by the striking faction to block the main access road to Itaipu and keep nonstriking members from entering. Under circumstances which still are not entirely clear, a military detachment assigned to guard the dam opened fire on the strikers while attempting to clear the road, killing the two and wounding several others. The unit claimed that strikers fired first, while the union claimed that none of the strikers were armed. The Paraguayan Government has launched an investigation. The confrontation and violence shocked labor, management, and Paraguayan society as a whole. Government mediators got the parties to sit down and negotiate a solution, putting an end to the strike.

The Government permits labor unions to maintain contact with regional and international labor organizations. The American Institute for Free Labor Development (AIFLD) reopened its office in Asuncion 3 months after the coup. AIFLD had closed its office in 1981, severing its relationship with the government-controlled CPT. In 1989 AIFLD continued working with MIT, while extending assistance to the new CUT.

At its November 1989 session, the ILO Committee on Freedom of Association (CFA) considered four cases concerning Paraguay. These cases, involving complaints filed before 1989, allege antiunion discrimination, including dismissal, transfer, and detention, without charges, of workers; employer interference in the legitimate activities of the union; interference with the right to strike; and failure of the Government to recognize a union. Three of the cases arose in the private sector and one in the public sector. Noting that the union which had been denied recognition had subsequently been

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recognized, the Committee requested the Government to improve its machinery for enabling employees dismissed for union activities to seek reinstatement; recalled the need for legislation specifying remedies and penalties for employer interference; expressed deep regret for the detention and subsequent dismissal of a teacher, allegedly for union activities; and requested the Government to provide detailed information regarding the actions taken with regard to all the individuals involved in the cases.

Several of these cases were also addressed by the ILO's Committee of Experts (COE). Among its recommendations, the COE urged that measures be adopted to protect those categories of workers--in particular public employees--not covered by the Labor Code from antiunion discrimination; reiterated the need for the Government to grant, unequivocally, the right to organize and bargain collectively to public employees.

b. The Right to Organize and Bargain Collectively

A favorite antiunion tactic of Paraguayan employers after the coup was to fire the leaders of nascent unions. The Labor Code, dating from the Stroessner period, provided little protection. Several labor leaders have challenged their dismissals through the courts, a lengthy process that can take years. At year's end, the Congress still was studying a proposal presented by the MIT in July to strengthen those provisions of the Labor Code that protect the job stability of union leaders. According to a study done by CUT, 629 workers were fired for union activity between February 4 and September 20, although not all of those workers were union leaders. Subsequently, 101 of those workers were rehired by one firm ordered to do so by a labor court.

The right to bargain collectively is recognized in the Labor Code, but the Government did little to enforce the provision, and it was not practiced generally. Some employers agreed to collective bargaining, but there are no legal sanctions or government pressures forcing them to do so. The labor laws permit a union to represent all of the employees of a company in collective bargaining even if less than half of the employees are members of the union. The law also allows multiple unions to represent the same employees at a work place.

Under the law, there exist no areas, such as special economic zones, exempt from the provisions of the Labor Code. Paraguay has no export processing zone. In practice, the rights of labor are more strongly exercised in the capital city, Asuncion, than in other cities or the rural areas because the vast majority of the country's unionized jobs are located in the capital.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law and was not practiced.

d. Minimum Age for Employment of Children

Minors between 15 and 18 years of age can be employed legally only with parental authorization and cannot be employed in dangerous or unhealthy conditions. Children between 12 and 15 years of age may only be employed legally in a family enterprise, an apprenticeship, or in agriculture. The Labor Code prohibits work by children under 12. These age

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restrictions are generally enforced, except in the informal economy. It has been estimated, for example, that there are about 15,000 children, many younger than 12, working in the streets of Asuncion (500,000 population) selling newspapers, shining shoes, cleaning car windows, and so forth.

e. Acceptable Conditions of Work

The Government establishes a private sector minimum wage, which depends on the type of work and the region, based on studies of the cost of living prepared by the National Economic Coordinating Committee. The minimum monthly wage in Asuncion was approximately \$125. The minimum wage is barely sufficient for a worker and his family to maintain a minimally decent standard of living. Furthermore, it has been estimated that 72 percent of Paraguayan workers earn less than the decreed minimum, which the Government does little if anything to enforce.

The Labor Code provides minimum guarantees of worker rights and benefits. The law does not cover public sector, temporary, or domestic workers. According to the Code, maximum weekly hours are 48 for day work and 42 for night work, with 1 day of rest. The law provides for a 1 month annual bonus. Married women need their husbands' consent to enter a labor contract, although labor contracts cannot be denied to women who worked prior to marriage. Paid maternity leave of 6 weeks prior to and after birth is required. Day care centers for children under 2 years of age are mandatory for enterprises employing more than 50 women. Severance pay is specified and compensation provided in cases of unjustified dismissal.

The Labor Code also governs conditions of safety, hygiene, and comfort. The nascent independent trade union movement has yet to focus on occupational safety and health. That, coupled with the slowness and relative expense of the labor law system, resulted in the frequent failure to provide the protections established by the Labor Code. In general, the Government did not effectively enforce the safety and hygiene provisions of the Labor Code, partially for lack of inspectors.

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Peru has a freely elected democratic government, with an executive branch headed by a president, a bicameral legislature, a separate and independent judiciary, and an attorney general's office (the Public Ministry). Peru's history has been punctuated by periods of military rule, most recently from 1968 to 1980. President Alan Garcia and his center-left American Popular Revolutionary Alliance (APRA) won the last general elections in 1985 by a large margin. The next elections are scheduled for April 8, 1990.

Public security responsibilities are shared by the police and the military. The Interior Ministry and its police services have the primary counterterrorist role in the city of Lima and in the 114 provinces which are not under a state of emergency. The military leads the effort to combat subversion in the 69 provinces which are currently under a state of emergency. The states of emergency place all executive branch authority in the local military command, suspend restrictions on arbitrary detention and the requirement for search warrants, and restrict rights of movement and assembly. More than 50 percent of Peru's population of 22 million lived under a state of emergency in 1989. Peru's history of military coups has weakened civilian control over the military. There is little oversight of military activities in the emergency zones by civilian judges or prosecutors, and the constitutional rights of persons detained by the military are routinely ignored.

In Peru's mixed economy, private property is generally respected. Unfavorable terms of international trade, lack of foreign investment, capital flight, and internal structural problems led in 1989 to stagnant exports, rising unemployment, fiscal disaster, and one of the world's highest inflation rates. Austerity measures produced a deep recession and a 50-percent cut in per capita annual income to an estimated \$800, without curbing inflation.

The chief factors driving human rights violations in Peru remain the terrorist activities of the Sendero Luminoso (Shining Path) Maoist guerrillas. The Sendero regularly assassinate anyone perceived to be an opponent, or merely uncooperative, including ordinary citizens, typically Indian residents of the Andean highlands. As measured by the number of reported deaths of government workers (144 civilian, 243 police, and 105 military), 1989 was the most violent year since Sendero announced its "popular war" in 1980. Sendero also increased its control over Peru's major coca-growing region, the Upper Huallaga Valley, where it both represented peasant coca growers in their dealings with narcotics traffickers and cooperated with traffickers to thwart law enforcement efforts. The Senate Commission on Violence estimated that Sendero was responsible for a total 1,526 deaths in 1989. Several other smaller terrorist groups were also active. Independent human rights groups charge that the Tupac Amaru Revolutionary Movement (MRTA) committed 161 political murders in 1989 and that the Rodrigo Franco Command (CRF) murdered eleven.

Human rights abuses by government security forces also increased in 1989, although independent investigations were increasingly difficult to carry out because military commanders restrict access to emergency zones. The Public Ministry reports a backlog of over 3,000 pending cases of disappearances, over 500 of them filed in 1989. There were

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credible reports of summary executions, arbitrary detentions, and frequent use of torture by police and the military. The Senate Commission on Violence estimated that government security forces were responsible for a total of 1,228 deaths in 1989. Trials of military personnel accused of human rights violations move slowly, if at all. In December two police officers were sentenced to prison terms for their roles in the 1986 massacre of 124 prisoners at Lurigancho prison. The 6 army officers and 69 other police personnel on trial were all acquitted.

A special congressional commission on paramilitary activities was established after the April and May assassinations of two members of the Chamber of Deputies. Commission members concluded that extremist members of the ruling APRA party, working with elements of the Ministry of Interior, are using the Rodrigo Franco Command (CRF) vigilante terrorist group to conduct operations against suspected antigovernment terrorists and sympathizers.

It is estimated that at least 3,198 persons (civilian and military) were killed in terrorist-related violence in 1989, an increase of over 50-percent from the previous year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Political and other extrajudicial killings rose again in 1989. Sendero Luminoso continued to assassinate teachers, engineers, development and human rights workers, Indian peasants, and political candidates, as well as government, police and ruling party officials. Official government sources reported more than 1,450 civilian deaths from terrorist violence. The independent National Coordinator for Human Rights calculated a total of 823 civilian political assassinations, 720 of them by Sendero, through the first 10 months of 1989. The Senate Select Committee on Violence and Pacification calculates that Sendero's forces committed 1,526 killings in 1989. Sendero's killings thus remained primarily aimed at the general public; by comparison, government security forces suffered 157 deaths at Sendero's hands. Due to the isolation of many rural areas where Sendero is most active, the number of victims almost surely is underreported. Sendero continued to use violence in the countryside, particularly assassinations, to impose its control over certain areas, punish peasants who withhold their support, and eliminate opposition. In one such incident, Sendero killed at least 45 peasants in three settlements in Huancavelica department on June 9. The townspeople were rounded up, community leaders and those who had refused Sendero's earlier call for a work stoppage were selected for "trial," and then shot, stabbed, or had their skulls smashed as family and neighbors looked on. Another massacre, also probably by Sendero, took place in the village of Canaire in Ayacucho department, in which 35 were killed on February 27.

In the cities, Sendero used attacks more for propaganda and intimidation purposes. In a major effort to disrupt the nation's November 1989 municipal and April 1990 presidential elections, it expanded its attacks on government and APRA party officials to include opposition officeholders and

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candidates for public office, regardless of party affiliation. Sendero attacked and killed several foreigners in 1989, including tourists, development workers, and journalists.

A second terrorist group, the MRTA, has expanded beyond its original base of operations in Lima and environs to field its own paramilitary cadres in some rural zones, most notably in northern San Martin department. Though the MRTA chiefly seeks the destruction of property through the selective bombing of banks, factories, foreign businesses, and diplomatic installations, these attacks killed at least 161 people in 1989. Among those killed was a police sergeant during a September attack on the Lima residence of Economy and Finance Minister Cesar Vasquez Bazan.

A third terrorist group, the CRF, also increased its activities in 1989. Suspected of being controlled by elements of the APRA party and the Ministry of Interior, the CRF carried out a campaign of intimidation, bombings, and assassinations. Among those targeted by CRF in 1989 were journalists, human rights workers, labor union members, lawyers, leftist politicians, and others the CRF accused of working to advance the cause of Sendero or MRTA. According to the Senate Committee on Violence, CRF was responsible for 11 murders in 1989, a figure which closely tracks with that of independent human rights organizations.

There are no official statistics on the number of summary executions in 1989. Because the number of confirmed disappearances sharply rose for the second consecutive year, it appears probable that the number of summary executions also increased in 1989. In an August 1989 report, Amnesty International (AI) charged that not only did the number of extrajudicial killings and disappearances in emergency zones grow "in a spectacular manner" during 1988 and the first half of 1989, but that for the first time these practices were no longer confined to the emergency zones, nor were the victims only from indigenous peasant communities in the Andean highlands.

Several notable cases of probable military killings occurred in 1989. On May 17, some 100 troops of the Third Ollantaytambo Infantry Battalion entered the town of Calabaza, Satipo, Junin department. According to survivors' accounts filed with the Attorney General's office, the townspeople were assembled, and two hooded individuals (said to be former Sendero members cooperating with the army) selected approximately 20 persons. The prisoners were taken to a ravine, tortured, and killed, although several escaped. The next day the bodies of 11 townspeople, including those of 3 students aged 14, 16, and 17 years, were found on the shores of the Calabaza river.

The last surviving witness of the May 14, 1988, army massacre of at least 28 villagers in Cayara, Ayacucho department, was killed in circumstances suggesting army involvement. Martha Crisostomo Garcia was shot to death after eight hooded individuals in military dress burst into her house in Huamanga at 3 a.m. on September 8, 1989. The ninth witness to disappear or to be killed since the Cayara massacre, Crisostomo had identified the body of one of those killed, thus implicating General Jose Valdivia, then political-military chief of the Ayacucho emergency zone. A Public Ministry

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investigator concluded that there was clear military responsibility for the Cayara massacre. The ruling party member leading the congressional investigation into the killings, however, concluded there had been "no excesses committed on the part of the military," even though the commission has yet to produce its official report. At year's end, the investigation remained stalled.

Also in May, Delfin Ortiz Serna, a witness to the November 1988 killing of a journalist, who had filed a deposition implicating the military, was shot to death. In neither the Calabaza massacre nor the murder of Crisostomo, nor in any other 1989 incident of alleged military or police violations of a civilian's human rights, were the results of official executive branch investigations ever made public, nor were charges brought against security officials.

The public military trial of 77 army and police officials accused of the June 1986 killing of 124 inmates at the Lurigancho prison in the aftermath of a failed Sendero uprising concluded in December with two convictions--and 75 acquittals due to "lack of evidence." Although police Colonel Rolando Cabezas Alarcon and a police lieutenant were sentenced to prison terms of 15 and 7 years respectively, none of the military officers implicated were convicted. The military justice code contains no specific language for dealing with cases of killing, kidnaping, or torture--only "negligence" and "abuse of authority."

The assassinations of Chamber of Deputies members Eriberto Arroyo Mio (April 27) and Pablo Li Ormeno (May 6) prompted the Chamber to establish a commission to investigate paramilitary activities. The commission's preliminary report was submitted in mid-August, "hypothesizing" that APRA party youths are the actual perpetrators of the bombings, murders, and threats being committed in the name of the CRF, with Minister of Interior Agustin Mantilla as the driving force behind the CRF. Commission members received a number of death threats; the daughter of commission member Manuel Piqueras was briefly detained by armed men who threatened her father. After the APRA congressional leadership declared the commission dissolved, the non-APRA commission members issued a final report in October, again implicating APRA and Minister Mantilla. The APRA members had not issued any separate report by year's end. Interior Minister Mantilla has resolutely denied any involvement in the CRF or similar groups. Although several suspects were detained and later released, by year's end no criminal charges were pending in connection with any actions undertaken by the CRF.

The CRF is also suspected in the January murder of Ayacucho journalist Juvenal Arroyo, along with his wife and two children. In April Tingo Maria radio personality Guillermo Lopez Salazar was shot to death in his home by suspected CRF terrorists. Sendero killed Peru's most prominent environmental reporter Barbara D'Achille in May. American journalist Todd C. Smith was kidnaped, tortured, and killed by unknown assailants in Uchiza, San Martin Department in November.

Miners Federation Secretary General Saul Cantoral was kidnaped and murdered by unknown assailants on February 13. Also in February, a demonstration of striking farmers in Pucallpa, Ucayali department (not then an emergency zone) was broken up by police who may not have known that last-minute approval had

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been given for the demonstration. Eight died and dozens were wounded after the police fired first tear gas and then bullets into the crowd. Some 300 persons were arrested; most were quickly released. Campesino organizers claim 28 remain unaccounted for and are presumed dead.

In late August and early September, several dozen bodies were found floating down the Huallaga river near Santa Lucia in the north central department of San Martin. Many of the bodies had been decapitated and were also missing hands and feet. Although no organization claimed responsibility for the deaths, public speculation centered on the possibility that the military had killed drug traffickers, Sendero members, or other civilians. Others pointed to the possibility of a war between rival drug gangs or to Sendero having killed traffickers or civilians. The inability of police or private human rights groups to ascertain responsibility for these deaths, much less arrest those responsible, is indicative of the level and variety of major violence prevalent in Peru today.

b. Disappearance

Since 1983 there have been an estimated 2,800 to 3,500 cases of disappearances involving the security forces, the majority of which occurred prior to 1985. Local human rights groups report having received formal complaints of 297 new cases of disappearances in the first 10 months of 1989, compared to the 170 cases reported by the United Nations Working Group on Disappearances in 1988. Most cases involved Army detention of persons suspected of terrorist links in the emergency zones, but there have been notable cases in Lima as well. Though a large percentage of those detained by security forces within the security zones have reappeared, human rights groups believe that most of the remainder were or will be summarily executed. The bodies of disappearance victims are rarely found. Based on the testimony of survivors, it appears that most victims are taken to military bases for interrogation. Some are turned over to the police after lengthy detentions and are later freed for lack of incriminating evidence. Human rights groups argue persuasively that the rest are summarily executed by the armed forces. An unknown number of "disappeared" persons are unaccounted for because they joined the ranks of MRTA or Sendero, either voluntarily or involuntarily.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution prohibits torture and inhuman or humiliating treatment, charges of brutality toward detainees are common. Human rights groups state that suspected subversives held by the Government are routinely tortured at military detention centers; lawyers and others familiar with the police and judicial system concur. In 1987 the Public Ministry noted that the majority of detainees held by military authorities showed signs of mistreatment or torture. In 1989 there were reliable accounts from released detainees of torture or mistreatment both by police and the military.

The 1987 terrorism law requires that persons detained for terrorism be interrogated only in the presence of a defense attorney and a Public Ministry prosecutor. In these cases, a court indictment must be sought within 15 days of arrest or the prisoner must be released. Reliable reports of violations

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of these standards occur frequently in areas governed by the military under a state of exception. There is some dispute as to whether under Peruvian law the military is required to adhere to these terrorism law requirements under a state of exception, but Peru is obliged to meet such standards under its international treaty obligations. In any event, the military frequently ignore these standards. The International Committee of the Red Cross (ICRC) in 1989 regained some access to detainees in the military-controlled emergency zones and to police detention centers where interrogations occur prior to indictment.

Many victims of Sendero terrorism also show signs of having been tortured before death. Torture of those victims often follows a brief "popular trial," normally held in the presence of rural villagers as a method of intimidation. Sendero uses particularly brutal methods of execution, including slitting throats, strangulation, stoning, and burning.

Prison conditions are extremely poor, and prisoners are likely to experience unsanitary facilities, poor nutrition and health care, and ill-treatment by prison staff. Many prison cellblocks have reportedly fallen under Sendero or MRTA control, with guards refusing to venture into them.

d. Arbitrary Arrest, Detention, or Exile

The Constitution, the penal code, and antiterrorist legislation clearly delineate the arrest and detention process. However, most if not all of these protections are suspended in those areas under a state of emergency. In areas not subject to a state of emergency, a warrant approved by a Public Ministry prosecutor is required for arrest. Persons arrested must be arraigned within 24 hours, except in cases of drug trafficking, terrorism, or espionage, for which the limit is 15 days. Detainees have the right to choose their own attorney, or the Government must provide counsel at no charge. Arrested persons are entitled to have an attorney present when they make statements to the police. Under the 1987 terrorism law, police must also notify the detainees' family and human rights groups of an arrest, although in practice this is not consistently done. There is no bail or provisional liberty for persons accused of terrorism.

Arrest procedures are different in the rural emergency zones. The armed forces do not need an arrest warrant, and detainees are often denied access to an attorney during interrogation and to family members during their imprisonment. All detainees, including those in the emergency zones, have the right to seek judicial determination of the legality of their detention, but this right is routinely disregarded by military commanders in the emergency zones. Of the several thousand prisoners held by the military inside the emergency zones, human rights groups know of few who were turned over to civilian authorities for prosecution. Arbitrary arrests and detentions in the emergency zones in 1989 are estimated to be in the hundreds.

In 1989 the military continued the practice of detaining persons who enter the emergency zones to investigate human rights cases or to instruct citizens on their constitutional rights. Labor union organizers also often found themselves detained under the broad terms of the terrorism law. In the 3 days before the mid-August start of a miners' strike, at least 34 organizers were detained and charged with terrorism.

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Another 10 were arrested the following week. By September 2, all had been released and charges had been dropped against all 44.

The Constitution prohibits, and there have been no known cases of, involuntary exile in the past 9 years. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is one of three separate branches of government. Supreme Court judges, 23 in all, are nominated by the President from slates supplied by an advisory committee, and must be approved by the Senate. In the Peruvian legal system, which is based on the Napoleonic Code, once criminal charges are filed, a judge determines whether probable cause exists. The judicial process prior to trial may last several months, followed by a public trial. Defendants have the right to be present at the trial, at which verdicts are rendered by a judge or a panel of judges. Sentences may be appealed, and judges may send cases back to lower courts for additional investigation. Many judges on the Superior and Supreme Courts are active in political parties, and there are occasional claims that decisions have been politically motivated.

Courts face severe backlogs, a product of inefficiency, influence peddling, and the sharp increase in terrorism cases. There are too few public defenders for the large caseloads. The Ministry of Justice reported in July 1988 that there was a backlog of nearly 45,000 criminal cases. Human rights groups have documented numerous cases of persons who have been detained without bail, while awaiting trial, for periods of up to 4 years. There are also widespread charges of corruption and the suborning of judges, police, and witnesses at all stages of the judicial process. Narcotics traffickers reportedly have been able to buy their release from jails. Outgoing Minister of Justice Cesar Delgado Barreto acknowledged in September that fully two-thirds of all prison inmates are awaiting trial for crimes of which they have been accused, with only one-third having been judged, found guilty, and sentenced.

Threats and intimidation of judges handling terrorism cases represent a serious problem, accounting in part for the low conviction rate of accused terrorists. Barely 5 percent of those arrested for such actions are convicted, a notoriously low rate that leads to police frustration with the judicial process and to public tolerance of police abuses (this figure does not include those held in military facilities inside the emergency zones). In 1987 Congress created special tribunals to hear terrorism cases, and promised greater security measures to protect judges and witnesses. There were immediate problems with finding judges who were willing to serve on these courts, with providing the guarantees of safety required in the enabling legislation, and with the large backlog of cases. Overwhelmed by these problems, the special tribunals were abolished in April 1988. There continues to be criticism of the lack of cooperation between the Interior Ministry's technical police, who investigate and arrest, and the Public Ministry prosecutors, who conduct their own investigations as a part of the trial process.

Although the Constitution mandates that civilians be tried in civilian courts, President Garcia proposed in July 1989 that

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civilian terrorists be tried by military tribunals throughout the country, both in and outside the emergency zones.

Although this proposal was not adopted, special civilian courts were established late in the year to try terrorism cases in Lima and the rural emergency zones. The Supreme Court decides whether military or police offenders are tried in civilian courts or in a separate military court system. The military generally asserts its jurisdiction in these cases, and the Court typically rules in its favor. In the first attempt to have a civilian court try a military officer since 1986 (that case was thwarted when the officer fled the country), nine army personnel, including at least one officer, are to be tried in Sullana, Piura department, for the April 1989 murder of Army Sgt. Jorge Yanez Ceci after a round of drugs and drinking. The civilian courts are making slow progress on several cases involving alleged police violations of human rights. Ongoing cases include those against police charged in the 1981 killing in detention of Cusco University student Marco Antonio Ayerbe, the 1982 killing of prisoners in an Ayacucho hospital, the 1982 death of Francisco Nufflo, and the 1986 torture of detainees in a Cusco police station. Two police officers (of 71 police on trial) were sentenced to prison in December 1989 for their roles in the June 1986 Lurigancho prison massacre (Section 1.a.).

Military trials may be closed to the public at the discretion of the ruling magistrate, and little is known about specific cases. Although the military claims that human rights offenders are severely disciplined, no member of the armed forces has ever been convicted in either military or civilian courts for human rights violations. Cases reportedly still pending in military courts include charges against: a lieutenant for the 1985 murder of 69 persons in Accomarca; an officer for 3 1985 Huanuco deaths; and officers accused of summary executions in 1986 in Parco and Pomatambo. The military prosecutor asked for sentences ranging between 6 and 25 years against the 77 accused security force members (6 army officers, 20 police officers, and 51 police) accused of involvement in the June 1986 massacre of prisoners at Lurigancho prison. The prosecutor requested a 25-year sentence for police Colonel Roland Cabezas and 6 years for army General Jorge Rabanal. Cabezas received a 15-year prison sentence. Police lieutenant Jaime Oswaldo Marquina was sentenced to 6 years. All other defendants, including army General Rabanal, were found not guilty due to "lack of evidence."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution stipulates that the police need a judicial warrant to enter a private dwelling, and this requirement is generally respected in practice. The requirement is suspended in the emergency zones, however, and security forces in those areas routinely conduct searches of private homes without warrants.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Approximately 1,748 combatants, including some 1,400 presumed terrorists, died in armed clashes in 1989. Previously the Government claimed to have killed 4,500 terrorists from 1980-1988, including 630 in 1988. Though the military may

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inflate these counts, confirmed killings of terrorists may also be underreported because Sendero attempts to retrieve all its casualties, including fatalities, after clashes with the military. Local human rights groups charge that a significant but unknown number of captured terrorists and innocent civilians were executed by the military. Sendero's disregard for the rules of war and humanitarian law are infamous. As AI reported in August, "the violent adversaries of the Government routinely torture, mutilate and assassinate their captives." Both Sendero and the military are known to have blocked passage of relief supplies and humanitarian assistance. The international relief organization Medicins Sans Frontieres suspended its efforts in the emergency zones.

Abuse of the rights of prisoners (able-bodied, wounded, and sick alike) was widespread by both security and terrorist forces. The military's violations of international norms ranged from the routine blindfolding of prisoners, to the frequent refusal to admit to holding certain persons in detention, to the less frequent summary execution of unarmed prisoners. Responding to a Sendero ambush of a military patrol, army helicopters on June 19 strafed a village near Aguaytia in the Upper Huallaga valley, killing or injuring an unknown number of civilians.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press. With 8 television stations, dozens of radio stations, and 15 daily newspapers in Lima alone, Peruvians have access to a very broad range of opinion and information. The media are highly partisan. The Government owns one of the two national television networks, a radio network, and three newspapers; APRA operates two newspapers, and close advisors of the President control a third. The independent media are quick to criticize any branch of the Government. Most major opposition parties boast their own newspapers, and opposition figures also have frequent access to the government media.

There were occasional and credible complaints of government pressure on the media and restrictions on journalists. However, there was no discernible trend in these incidents, nor did they constitute government policy.

Journalists were often barred from traveling in the rural areas of the emergency zones, and those who attempted to do so were occasionally detained by the military, although they were generally released within hours. There were also frequent complaints of police confiscation of video and photographic material of events the Government did not want publicized.

Police arrested Janet Talavera, the interim director of the pro-Sendero newspaper El Diario, in June. She was detained under the provisions of the legislation prohibiting "apologies for and encouragement of terrorism." Additional charges of committing terrorist acts were later filed; she was awaiting trial at year's end. Police raided the offices of El Diario on November 2, arresting a dozen workers and closing the paper. Nonetheless, it appeared irregularly for the remainder of the year, edited and printed clandestinely. Luis Arce Borja, the paper's permanent director, is also under indictment for "apologies for and encouragement of terrorism" and spent most of the year living in Europe. A local lawyer

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attempted to invoke the same statute against Cesar Hildebrandt, one of the country's most prominent journalists, who was at the time the editor of the influential magazine Si. Hildebrandt alleged that the move was orchestrated from the Presidential Palace. Whatever the truth, the move ultimately came to naught. The antiterrorism statute has been applauded by some journalists as necessary; others fear that it can be used to stifle press freedom.

Journalists were sometimes the victims of violence and threats. Four noted journalists were killed in 1989 (see Section 1.a.); the College of Peruvian Journalists reported that as many as 22 persons involved in the news media were killed. The owner of the Panamericana Radio and Television network, Hector Delgado Parker, was kidnaped by MRTA on October 4, and his bodyguards killed. MRTA announced Delgado Parker would be "tried" for unspecified "crimes against the people." There were also death threats against other journalists. The local ANSA correspondent temporarily fled the country in May after a reported threat.

b. Freedom of Peaceful Assembly and Association

These rights are expressly provided for in the Constitution and are normally respected in practice except in areas under a state of emergency (where the right of assembly is suspended). Public meetings in plazas or streets require advance permission, which can only be denied for reasons of security or public health. Municipal authorities usually approved permits for demonstrations in nonemergency zones. Many unauthorized demonstrations also occurred, and, for the most part, the Government dealt with them in a nonconfrontational manner. However, as opposition groups adopted more provocative and violent tactics, the Government often denied permits or broke up marches. Police resorted more often to clubs, tear gas, buckshot, and firetruck-mounted water cannons to disperse unruly or threatening crowds. At least eight (and possibly many more) were killed in February when police opened fire on a demonstration of striking farmers in Pucallpa (see Section 1.a.).

There are no particular restrictions placed on political activity by trade associations or professional bodies. Such organizations are permitted to, and routinely do, maintain relations or affiliate with recognized international bodies in their respective fields.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholicism predominates in Peru, and the Constitution formally recognizes the Church. The Constitution also establishes the separation of church and state and ensures freedom of religion and conscience. These rights are respected in practice. Members of minority religions encounter no government interference in practicing their faith or in exempting their children from religious instruction in public schools. Organized religions are free to establish places of worship, train clergy, engage in religious publishing, and proselytize. Foreign-born clergy are not barred from entry; rather, they constitute a significant presence, even within the dominant Catholic Church. Missionary organizations operate freely in the country.

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Nonetheless, particular members of various religious organizations report having received death threats from Sendero, MRTA, or the CRF during 1989. Several religious workers were killed. These incidents appear prompted by the terrorist group's perception that a given individual's activities "strayed" from pastoral to political. Some religious officials fear, however, that Sendero is increasingly antagonistic to organized religion in general. They cite the December bombing of a Catholic church, increased amounts of Sendero vitriol directed against the church, a spate of killings of religious workers, and reports of death threats in some areas of the country against those who celebrate Christmas. MRTA bombed three Mormon churches, which it publicly accuses of having links to U.S. corporate interests.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of free movement, and there are no political or legal constraints on foreign travel or emigration. Approximately 150,000 Peruvians emigrated to other nations in 1988, and similar numbers are believed to have emigrated in 1989. Departure taxes and passport costs, although substantially reduced at year's end, nonetheless constitute a prohibitive expense for millions of Peruvians.

Freedom of movement is legally suspended within the emergency zones and travelers may be detained by authorities at any time. Other domestic and international travel is not known to be restricted for political reasons. There have been no major resettlement efforts by the security forces in several years. Persons fleeing turmoil in other countries traditionally have been encouraged to return eventually to their country of origin or to emigrate to third countries, but have not been forced to do so. Involuntary repatriation occurs only in cases of persons accused of nonpolitical crimes.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Peru is a democracy governed by a freely elected president and congress. The political process is open, subject to monitoring by an autonomous National Elections Board, and elections are vigorously contested by parties ranging from conservative to Marxist. In the November 1989 municipal elections, for example, 10 political movements fielded candidates for mayor of Lima. Sendero Luminoso persistently sought to deny citizens their political rights--particularly in the more remote areas--by killing candidates and elected officials and threatening voters. Sendero leaders have repeatedly and publicly stated their intention to disrupt the 1990 presidential elections, just as they tried to disrupt the November 1989 municipal elections. By September 30, over 590 mayors and city aldermen elected in the general municipal elections of 1986 had been forced from their posts by terrorist threats or violence. Over 75 mayors and other municipal, district, and provincial officials were killed by Sendero during 1989. After Sendero assassinated Fermin Azparrent, the Mayor of Ayacucho City, on September 19, Sendero warned that any mayoral or city alderman candidate in Ayacucho who did not withdraw his candidacy within 24 hours would also be killed. All but one candidate withdrew (and he moved to Lima). A second candidate reentered the race the

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week of the election. Nationwide, 252 districts (12.5 percent of the total) fielded no candidates for municipal office.

Suffrage is both universal and mandatory for persons 18 to 70 years of age, except for active duty police or military, who are barred from voting or holding public office. Balloting is direct and secret. Although the fine for failing to vote was raised from \$4 to approximately \$50 (roughly equal to a month's minimum wage) on the eve of the November elections, the National Elections Board announced afterwards that the fine would not be enforced. Elections are held every 5 years for president and the two vice presidents, as well as for the Senate and Chamber of Deputies. The president is barred from running for consecutive terms of office. Elections for the nation's newly established regional parliaments are to be held every 3 years, at the time of the nation's municipal elections. Under the Constitution the Government is headed by a powerful executive. More than 95 percent of all new laws are enacted through unilateral presidential decrees. Nonetheless the legislature (currently also dominated by the APRA party) freely and openly debates government policies and does on occasion vote against government positions.

The political system, although legally open to all, is dominated by Peruvian males of European or mixed European and indigenous background.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Access by the ICRC to the emergency zones and to detainees which had been denied in mid-1988 was restored in early 1989 and ICRC personnel visited over 100 security detainees in September. AI last sent a formal delegation to Peru in November 1988 and was received by various members of the Cabinet. Outside of the emergency zones, the Government did not impede or restrict their access. In May 1989 AI forwarded a draft report to the Government for comment but did not receive a reply. AI published the report, "Peru: Human Rights and State of Emergency," in late August, noting that "grave violations of human rights" had increased throughout the previous 18 months. In November AI released a second report, "Caught Between Two Fires," charging that "torture, mutilation, 'disappearance,' murder, and rape have become a hallmark of the armed forces' 'campaign against terrorism.'" The Ministry of Defense issued an immediate, heated denial but did not further address the charges.

Local human rights organizations complain that they are limited by the military in their efforts to investigate human rights abuses in the emergency zones and that their requests to the Government for information are usually ignored. Although most groups state that they are usually not harassed or threatened by the Government, incidents continued to occur. In September three visiting human rights lawyers and five local residents preparing a seminar on constitutional rights were arrested on terrorism charges in San Marcos province of Cajamarca department. They were held for 2 1/2 days before all charges were dropped and the eight were released. Human rights groups also received threats from terrorist groups, mostly from Sendero, but also from the CRF. Due to violence and the specific threat of continued violence, a number of human rights and humanitarian assistance

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organizations were forced to close their offices in certain emergency zones during 1989.

A number of local private human rights organizations constitute the independent National Coordinator for Human Rights. These include the National Human Rights Commission, the Institute for Legal Defense, the Association for Human Rights, and the Catholic Church's Commission for Social Action. Other smaller groups work in the departmental capitals and other cities. These groups are generally credible observers, investigating and reporting on human rights abuses to the extent possible, regardless of the perpetrator.

In 1989 the Government repeatedly complained that both local and international human rights groups distort or exaggerate Peru's human rights problems. The Government's general unresponsiveness to specific inquiries, however, has done little to improve its credibility. Peru is a member of the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution grants women equality with men, and laws on marriage, divorce, and property rights do not discriminate against women. Nevertheless, tradition impedes the access of women to leadership roles in major social and political institutions.

Spouse abuse is a chronic problem. Anecdotal police reports indicate that such abuse is increasing in frequency as the nation's political and economic frustrations grow. In late 1988 a special police center, staffed by policewomen, was established in Lima to provide legal, medical, and psychiatric assistance to abused spouses and children. A number of women's organizations and feminist groups are active in Peru.

Peru's large indigenous population and its small black population were also subject to pervasive social discrimination, although far less so than before the Velasco resolution of 1968. The former group, mostly speakers of Quechua, Aymara, and other native languages, traditionally has lacked access to public services. Peru is a classic case of differential development, with public investment traditionally focused on the coast, drawing migrants to the cities, especially Lima. Recognizing this fact, the Government has increased the flow of resources and services to poor, largely Indian, rural areas. Development efforts, however, have been impeded by the difficulty and cost of providing services to remote areas which are out of the mainstream of Hispanic culture, and by the continued disruption of these efforts by Sendero. As a result of current problems, as well as historic and continued prejudice, the economic and social needs of Peruvians of European ancestry continued to be met to a far greater extent than those of Peruvians of black, mixed, or pure Indian heritage.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of workers freely to associate and form labor unions without previous authorization. In practice, however, there are legal

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restrictions on the right to organize (see below), and a requirement to register with the Ministry of Labor in order for the union to become legal and capable of performing its functions. Suspension or dissolution of labor unions is forbidden by the Constitution, but it can be done legally through the civil court system at the request of the union itself, or by cancellation of the union's registration by the Ministry. Unions may form industrywide federations which can, in turn, form confederations, all of which can be affiliated with international labor organizations. Private and public sector unions of workers performing the same type of work cannot join together as a confederation at any level. Police and military are proscribed from forming unions.

About 18 percent of the labor force is organized. Organized labor, however, is found in industries responsible for about 70 percent of Peru's gross national product. The majority of unorganized Peruvian workers are those in the countryside and those involved in the vast underground "informal" sector that work outside government regulations.

Although a significant percentage of Peruvian organized labor belongs to independent unions and federations, those unions with a political party affiliation are routinely manipulated to serve political interests.

The Confederation of Peruvian Workers is a member of the Inter-American Regional Organization of Workers and is affiliated with the International Confederation of Free Trade Unions. The Communist party-controlled General Confederation of Peruvian workers is affiliated with the Communist-controlled World Federation of Trade Unions and its Latin American organization, the Permanent Congress for Trade Union Unity of Latin America.

The Constitution provides for the right to strike "according to law." There is no strike law, however, even though Congress has considered various implementing bills since the Constitution was promulgated in 1979. By Supreme Executive Decree (which defines some strike behavior in the absence of a formal law), workers in the private sector must give 72-hour notice to the employer and the Ministry of Labor before going on strike. When direct negotiations between workers and employers break down, the Government intervenes and constitutes a tripartite (government, management, labor) board to review the situation. If no agreement is reached, the Government then weighs the overall economic implications of the employer's and the workers' positions and makes a decision (which can be appealed in the civil court system). The Government may then make a final offer which, if rejected, will open the way for declaring the strike illegal. A government determination that the strike is illegal can lead to the dismissal of workers or union leaders and permits employers to hire strikebreakers legally. Despite these restrictions, innumerable strikes, often wildcat in nature, did take place in 1989. There are no norms regulating strikes in the public sector and all such strikes were therefore open to legal challenge. In spite of the constitutional right to strike, nearly all strikes in Peru are declared illegal. However, the penalties on the workers who strike illegally are seldom implemented.

The International Labor Organization (ILO) Committee on Freedom of Association, at its meetings in June and November 1989, considered at length several pending complaints against

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the Government of Peru. Among these complaints were allegations from several trade union organizations that the Government has used force to repress trade union demonstrations and strikes resulting in the injury and death of strikers and demonstrators, including the alleged murder of 88 peasants who were participating in a meeting; and, that it has violated trade union autonomy by searching union offices, detaining their leaders, and interfering in their organizations. The complaints also alleged that the Industrial Relations Bill and administrative actions of the Government violate the right to strike. The Committee deplored the violence, requested the Government to submit further information, and agreed with the union allegations regarding the Industrial Relations Bill.

b. The Right to Organize and Bargain Collectively

By law, employers cannot discriminate against union members or organizers. In practice, however, union activists are sometimes harassed by employers who threaten to fire them, or who pay off the workers to leave the enterprise. (There were reported incidents during the year of more serious harassment of labor union activists, including arbitrary detention (see Section 1.d.), kidnapping, and killing (see Section 1.a.)). The workers can appeal their case through the Ministry of Labor or, in case a decision is not acceptable to both parties, through the civil courts. Throughout this process, which can be lengthy, the worker is kept on the company's payroll until a final legal ruling is obtained.

The right to bargain collectively is provided for by the Constitution, but there are restrictions on what can be negotiated. In the public sector, for example, only working conditions can be negotiated, and then only if the changes do not involve expenses greater than the funds already budgeted. In the private sector, collective bargaining can cover both working conditions and pay. Labor laws and regulations are applied uniformly throughout the country, including in an area of the Amazon Basin, granted in a Peru/Colombia border agreement, which is analogous to a free trade zone .

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits compulsory labor, and this is usually respected in practice. There have been reports of compulsory labor on plantations in remote areas of the country where law enforcement is all but nonexistent. Sendero has also been accused of forcibly recruiting peasants to either join its ranks or render support services.

In its 1989 report, the ILO Committee of Experts urged the Government to adopt pending legislation prohibiting practices which violate ILO Convention 105 on forced labor.

d. Minimum Age for Employment of Children

The law prohibits the employment of children under 14 years of age. In the formal sector of the economy, the law allows for the employment of older children in some jobs, for a limited period of time, and for a curtailed workweek at full pay. According to a 1987 Senate report, however, 1.1 million children 6 to 14 years of age work. Unofficial sources estimate that about half a million children work in the Lima area alone. A June 1989 survey of 133 working children by the Agrarian University in Lima showed that 78 percent of them were between 10 and 12 years old. Some 40 percent sold

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assorted merchandise as street vendors, and 53 percent went to school only occasionally or not at all. One-third worked 7 days a week, and 57 percent of the total worked between 2 and 5 days a week.

e. Acceptable Conditions of Work

Labor code provisions concerning conditions of work are routinely ignored for the majority of the working population. The code provides for an 8-hour day and an official 48-hour week for men, and 45 for women. There are government standards for health and safety by industry, but these are rarely enforced, either by the employer or the Government (which has no inspectors). Accidents are common, and there is usually no emphasis on prevention; once accidents occur, employers normally make compensation.

All workers are entitled to 30 days' paid vacation. Those in the private sector have to work a minimum of 260 days (excluding 30 days' sick leave) or forfeit their vacation. The minimum wage is increased regularly by the Government, but it continues to lag inflation. Equal to about \$40 per month on the parallel market, the minimum wage is not sufficient to provide a decent standard of living for a worker and family. However, many Peruvians are paid more than the minimum wage and many others supplement their income through multiple jobs and/or subsistence farming.

ST. KITTS & NEVIS

St. Kitts and Nevis is a small two-island state with a parliamentary democracy modeled after that of the United Kingdom. The Constitution provides the smaller island of Nevis considerable self-government, as well as the right to secede from the federation if certain enumerated procedures are followed. The country is governed by a prime minister, a cabinet, and a legislative assembly. The Governor General, with largely ceremonial duties, is the titular Head of State. The Constitution requires general elections at least every 5 years. Prime Minister Kennedy Simmonds and his People's Action Movement came to power in a coalition Government in 1980 and were returned to power after general elections in 1984 and 1989.

Security forces consist of a small police force, which includes a Special Service Unit that receives some light infantry training, and a small coast guard.

St. Kitts and Nevis has a mixed economy based on sugar cane and tourism. Most commercial enterprises are privately owned, but the sugar industry (the country's largest) and 85 percent of all arable land are owned by a state corporation. The approximate 1988 per capita gross domestic product was \$2,534. Steady economic growth continued in 1989.

St. Kitts and Nevis maintained its good human rights record during 1989.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no reports of political or extrajudicial killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Law enforcement authorities abide by the constitutional prohibitions against the use of torture or other forms of inhuman or degrading treatment or punishment. Family members, attorneys, and clergy are permitted to visit detainees regularly.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and this provision is respected in practice. The law requires that persons detained be brought before a court within 48 hours. There were no reported cases of exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides that every person accused of a crime receive a fair, speedy, and public trial, and these requirements are generally adhered to. The judiciary, a part

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of the Eastern Caribbean legal system, is highly regarded and independent. Final appeal may be made to the Queen's Privy Council in the United Kingdom. There are no military or political courts. Legal assistance is available to indigent defendants.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Neither the Government nor the police interfere arbitrarily in the private lives of individuals. Warrants are required to search private homes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press. The Government owns the only radio and television station on St. Kitts. There is a religious television station and a privately owned radio station on Nevis. The government-owned radio and television generally do not adequately publicize rallies and conventions held by the opposition political party.

St. Kitts and Nevis does not have a daily newspaper, although each of the major political parties publishes a weekly or biweekly newspaper. The papers are free to criticize the Government and do so regularly and vigorously. International news publications are readily available.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. Organized demonstrations, rallies, and public meetings sponsored by political parties occur regularly. Usually these take place without government interference.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for the free exercise of religion, and religious practices are not restricted. Most church members belong to Protestant denominations. All groups are free to maintain links with coreligionists in other countries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel inside and outside of the country is unrestricted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are able to change their government by peaceful means. A vigorous multiparty political system exists in which political parties are free to conduct their activities. Periodic elections are held in which all citizens 18 years of age and older may register and vote by secret ballot.

The People's Action Movement (PAM) of Prime Minister Kennedy Simmonds holds a majority of seats in the Parliament. PAM has worked closely with the Nevis Reformation Party of Nevis

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Premier Simeon Daniel. In the March 1989 national election, the two parties won 8 of 11 elected seats in Parliament. The former head of the main opposition St. Kitts Labour Party, Lee Moore, charged before the elections that PAM had used fraudulent ballots to help insure its 1984 victory and was prepared to employ fraud to maintain its majority in the 1989 elections, but he presented no credible evidence to indicate that the elections were not conducted in any other than a free and fair manner.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international human rights organization maintains an office in St. Kitts and Nevis. The Government is firm in its respect for human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There were no reports of systematic discrimination based on race, sex, creed, language, or social status. The role of women in society is not restricted by law. However, the role of most women in the country is still circumscribed by culture and tradition. The Government created the Ministry of Women's Affairs to help redefine the role of women in society and to ensure that women's rights are promoted. According to a Ministry official, violence against women is a problem in St. Kitts-Nevis, but gauging the extent of the problem is difficult because many women are reluctant to file a complaint or pursue their complaints in the courts. Despite this reluctance, there were publicly reported cases of both domestic violence and rape in 1989, and a number of convictions. According to the Women's Affairs Ministry, the police stand ready to investigate allegations of violence (both domestic violence and rape) but may be cautious about going to court, because many women eventually withdraw their complaints. If the woman pursues the complaint, enforcement by police and courts is effective. Penalties range from fines to long-term imprisonment, depending on the gravity of the offense.

The Women's Affairs Ministry sent a ministry official to the United States in 1989 for training in counseling abused women. A policewoman was also sent to the United States for the same training, and now heads a special unit dedicated to abused women. The Ministry also sponsored a workshop on child abuse with an expert on domestic violence, which was attended by police, clergy, teachers, community workers, and guidance counselors. Ministry officials met regularly with police to increase awareness of the problem of violence against women, and also ran a 3-day radio program on the problem of domestic violence.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form and belong to trade unions. The major labor union, the St. Kitts Trades and Labour Union, is affiliated with the opposition St. Kitts Labour Party and is organized in all sectors of the economy. Membership appears to be declining, as the Government assumes some of the social welfare roles formerly played by unions.

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There is also an independent teachers' union and a union representing dockworkers in the capital city.

The right to strike, while not specified by law, is well established and respected in practice. There were no major strikes in 1989, although workers on a public highway project held a brief work stoppage to obtain a holiday pay concession, which was granted. Unions are free to affiliate with federations, confederations, and international bodies, although St. Kitts is not a member of the International Labor Organization.

b. The Right To Organize and Bargain Collectively

Labor unions are free to organize and to negotiate for better wages and benefits for union members. There are no areas where union organization or collective bargaining are discouraged or impeded. There is no legislation governing organization and representation of workers, and employers are not legally bound to recognize a union, but past practice has been for employers to do so if a majority of workers polled wish to organize. The Labor Commission attempts to mediate in disputes between labor and management on an ad hoc basis.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced labor, which do not exist in practice.

d. Minimum Age for Employment of Children

The minimum legal working age is 14. The Labor Ministry relies heavily on school truant officers and the Community Affairs Division to monitor compliance, which they do effectively.

e. Acceptable Conditions of Work

The workweek is 40 hours in 5 days. Workers are guaranteed a minimum vacation of 2 weeks. Minimum wages for domestic servants and retail store employees were established by law in 1984 and updated in 1989. These range from about \$24 per week for a shop clerk to \$36 per week for a maid and \$60 for a shop supervisor. The minimum wage would provide an adequate, though Spartan, living for the wage earner and family. Wages may be supplemented by the widespread practice of keeping small animals (goats, chickens). Most people live in extended families where there may be more than one wage earner. The Labor Commission undertakes regular wage inspections and special investigations when complaints are received; employers found in violation are required to pay back wages. While there are no specific health and safety regulations, the factories law provides general health and safety guidance to labor ministry inspectors.

ST. LUCIA

A member of the Commonwealth of Nations, St. Lucia is a multiparty, parliamentary democracy. For much of its 10 years of independence, St. Lucia has been led by incumbent Prime Minister John Compton. Compton's United Workers Party defeated the St. Lucia Labor Party in the 1982 elections; Compton was reelected in 1987, and the United Workers Party currently holds a small majority of seats in Parliament. The opposition Labor Party actively seeks to expand its bases of support; elections are next due in 1992 but can be called earlier by the Prime Minister.

The Royal St. Lucia Police is the only security force in the country. Within the police force is a small Special Service Unit (SSU) with some paramilitary training. A coast guard unit has also been established under police auspices. A police inquiry in 1988 dealing with allegations of corruption resulted in the ouster of the Police Commissioner and several high-ranking officers. Trinidadian Clive Sealy, the new Acting Commissioner, has worked diligently to improve operations and restore corps morale. The police have traditionally demonstrated a high degree of integrity, professionalism, and respect for human rights.

St. Lucia has experienced several years of sustained economic growth, particularly in agriculture, tourism, and, more recently, in manufacturing and construction. Economic performance in all four sectors was strong during 1989. Although an unemployment rate of around 15 percent remains a source of potential instability, the situation has improved in the last year.

St. Lucia continued to have a good human rights record in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of disappearances or politically motivated abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and no such incidents were reported.

d. Arbitrary Arrest, Detention, or Exile

The Government adheres to the constitutional provision prohibiting arbitrary arrest or imprisonment and requiring a court hearing within 72 hours after detention. There were no reports of arbitrary arrest or other forms of extralegal detention, or of forced exile in 1989.

With regard to forced or compulsory labor, see Section 6.c.

ST. LUCIA

e. Denial of Fair Public Trial

The Constitution requires public trials before an independent and impartial court, and the provision of legal counsel for indigents. Criminal defendants are entitled to select their own legal counsel, are presumed innocent until proven guilty, and have the right of appeal. Both constitutional and statutory requirements for fair public trials are followed. The regional West Indies Court of Appeal, a circuit court long noted for its impartiality, serves as St. Lucia's appeals court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports of arbitrary intrusion by the State into the private lives of individual citizens. Authorities consistently observe constitutional prohibitions against arbitrary search, seizure, and entry.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions for free speech and press are respected in practice. The Government neither interferes with the operations of the press nor censors the content of the three privately owned major newspapers, which cover the spectrum of political opinion and are often highly critical of the Government. The one local television station is also privately owned. While Radio St. Lucia is government owned and operated, the programming staff is allowed a large measure of autonomy following a 1988 incident in which the Government suspended a controversial radio call-in program. This provoked a public outcry. Although the program in question was never reinstated, the programming staff was subsequently permitted a greater degree of programming autonomy.

b. Freedom of Peaceful Assembly and Association

Freedom of association and of assembly are provided for by the Constitution. Permits for public meetings and demonstrations are necessary if meetings are to be held in public places such as streets, sidewalks, or parks. Permits are routinely granted and are not denied for political reasons. Refusal to issue a permit is rare and generally stems from the failure of the organizers to request a permit in a timely manner, normally defined as a 48-hour notice. In one instance in 1989, police peacefully disbanded a group of demonstrators in front of the House of Assembly for failing to obtain a proper demonstration permit. This was the only incident of this type in several years.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The majority of the population is Roman Catholic, but other denominations are free to maintain places of worship, train clergy, establish religious schools, and engage in the full range of activities normally associated with religious organizations. St. Lucia's small Protestant community functions without impediment.

ST. LUCIA

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are provided for in the Constitution and generally honored in practice.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

St. Lucia's parliamentary system provides for genuine choices among parties, policies, and officials. Although currently there are two main parties, several other political organizations also participate in free elections, which are held at least every 5 years by secret ballot. The opposition St. Lucia Labor Party plays a significant role in the country's political life, and presently holds 7 of 17 seats in the House of Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights groups in St. Lucia. International human rights organizations filed no reports or requests for investigations in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Government policy is basically nondiscriminatory in the areas of housing, jobs, education, and advancement opportunities. There are no legal restrictions on the role of women or minorities.

Although violence directed specifically against women, including domestic violence such as wife beating, is not considered to be a major problem in St. Lucia, lack of statistical data makes it difficult to gauge its true extent. An additional factor may be a reluctance on the part of some victims to report cases or to press charges. In 1989 a women's rights organization was established to monitor existing abuses. The group has held a number of public meetings to publicize the plight of battered women, and staged a large demonstration to protest the killing of a woman who was beaten to death. Because cases of this sort are rare, the Government does not consider additional legislation or other specific remedial action to be necessary but does support the efforts of the monitoring group.

Section 6 Worker Rights

a. The Right of Association

The Constitution, under the broader rubric of the right of association, specifies the right of workers to form or belong to trade unions. Unions are independent of the Government and are free to choose their own representatives. Union elections are sometimes vigorously contested. All unions are free to publicize their views and determine policies aimed at representing members' interests.

One recently formed union, the Technical and Allied Workers Union (TAWU), led by St. Lucia Labor Party Deputy Peter Josie, has experienced difficulties with the Registrar of Trade Unions and may be deregistered for failure to comply with

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government regulations (the Trade Union Act). There have been no suggestions that the difficulties are a result of discrimination or political considerations. To the extent the Government plays a role in trade union activities, it has been in the direction of supporting initiatives promoting national trade union unity. During 1989 the Government succeeded in negotiating a 6-year wage agreement with five unions representing public servants, resulting in an unprecedented period of harmonious government-labor relations.

Strikes in the private sector are legal if efforts sponsored by the Government to resolve disputes fail. Strikes do occur in practice. A strike by nurses was resolved in late 1988; there were no strikes in 1989.

Unions are free to affiliate with international organizations, and some have done so. St. Lucia has ratified International Labor Organization Conventions 87 and 98 pertaining to freedom of association and collective bargaining.

b. The Right to Organize and Bargain Collectively

Unions are legally free to engage in collective bargaining and they do so. Unions represent the majority of wage and salary earners. Antiunion discrimination by employers against union members is prohibited by law, and there are effective mechanisms for resolving complaints. Union organizing and collective bargaining are neither legally nor administratively discouraged in the industrial free zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is illegal in St. Lucia and does not exist.

d. Minimum Age for Employment of Children

The minimum legal working age in St. Lucia is 14, as stipulated by the Women and Young Persons Act. The law is enforced effectively by Labor Ministry officials.

e. Acceptable Conditions of Work

Although no minimum wage is established by law, a government-sponsored Wage Council reviews wage rates in different sectors and offers wage recommendations which generally are accepted as having the force of law. The workweek is 40 hours in a 5-day period, and workers are guaranteed a minimum annual vacation of 2 weeks. Occupational health and safety regulations are relatively well developed. The Labor Ministry periodically inspects health and safety conditions at places of employment under the Employees Occupational Safety and Health Act of 1985. The act is enforced through threat of closure of business if violations are discovered and not corrected.

ST. VINCENT AND THE GRENADINES

Since independence in October 1979, St. Vincent and the Grenadines has retained the parliamentary system of government it inherited from the United Kingdom. Democratic institutions and respect for the rights of the individual are well established. After defeating the incumbent St. Vincent Labor Party in 1984 elections, James F. Mitchell and his New Democratic Party won all 15 seats in the Parliament in general elections held in May 1989. Although some concern was voiced about the absence of any parliamentary opposition, the elections were judged to be free and fair.

The Royal St. Vincent Police is the only security force in the country. The Coast Guard serves under Police command, and a small Special Service Unit (SSU) with some paramilitary training has been established within the police force. The force, which is controlled by and responsive to the civilian government, maintains traditions of professionalism which place a high value on respect for human rights.

One of the poorer countries in the region, St. Vincent has a very young population, a relatively high rate of illiteracy, and serious unemployment problems. After several major setbacks in recent years (primarily due to poor weather), the nation's economy, centered on the vital banana industry, has largely recovered. Banana exports boomed during 1988 and the first half of 1989, but diversification to other export crops had only limited progress.

The country's human rights record remained good in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other forms of cruel, inhuman, or degrading treatment or punishment are prohibited by the Constitution, and there were no reports of such practices.

d. Arbitrary Arrest, Detention, or Exile

According to the Constitution, persons detained for criminal offenses must be provided legal representation and have their cases reviewed periodically. The Government strictly adheres to these provisions.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for public trials before an independent and impartial court. Criminal defendants are

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entitled to select their own legal counsel; alternately, counsel may be provided by the court. Defendants are presumed innocent until proven guilty and can appeal cases to a regional high court system and ultimately to the Privy Council in London.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports of arbitrary search and seizure or other government intrusions into the private life of individual citizens in 1989. The Constitution prohibits such actions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press. The Government does not censor or otherwise interfere with the operation of the press. There are two major newspapers and numerous smaller, partisan publications; all are privately owned, and most are openly critical of the Government's policies. In 1988 the government-owned radio station canceled a program which the Government considered provocative; however, the station, with the Government's approval, agreed to reinstate the program late in 1989.

b. Freedom of Peaceful Assembly and Association

These freedoms are provided for in the Constitution and respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

All religions are free to practice and proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are provided for by law and honored in practice.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Notwithstanding the New Democratic Party's clean sweep of all 15 parliamentary seats in the May 1989 elections, St. Vincent still has a genuine multiparty political system, with at least four active parties. Although the "first past the post" system tends to mask the degree of support for various contenders, in the last election the opposition garnered over 30 per cent of the vote. Constitutionally, elections must be held at least every 5 years, by secret ballot, with universal suffrage.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Opposition political groups and the Vincentian press occasionally comment on human rights matters of local concern. The Government is responsive to public and private inquiries on its human rights practices. Until late 1989, the

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small Caribbean-wide human rights monitoring group CARICARE was based in St. Vincent. However, the organization moved to Trinidad for better access to transportation and communication facilities.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for equal treatment under law regardless of race, sex, or religion, and the Government adheres to this provision. This year the Government took a significant step forward in terms of wage scales for women, adopting for the first time in a new minimum wage law the concept of equal pay for equal work.

Violence against women occurs in St. Vincent but does not appear to be characteristic of Vincentian society, according to such sources as the director of St. Vincent's National Council of Women, several government officials, and local lawyers who handle such cases. The Vincentian newspaper also reports all court cases and known incidents of violence. Penalties for violent crimes against women are identical to acts of assault perpetrated against men. For rape, depending on the magnitude of the offence and the age of the victim, the penalty is generally 10 or more years in prison. However, the House of Assembly in 1989 was considering legislation specifically addressing penalties for violent acts against women. During the year, there were two convictions for rape, as well as several others for assault against women. Although some victims of such violence, especially domestic violence such as wife beating, are reluctant to report it or to press charges, in the past few years women have been increasingly willing to report such incidents to the police and the National Council of Women. The Government's Ministry of Education, Youth, and Women has a Women's Desk which assists the National Council of Women with seminars, training programs, and public relations. The Government provides some funding for the National Council of Women and has been supportive of radio call-in programs dealing with women's issues.

Section 6 Worker Rights

a. The Right of Association

By law, Vincentians have the right to form unions, organize employees and strike; laws of association are generally respected in practice. Unions are independent and personal and property rights of trade unionists are given full protection under the law. With the partial recognition of the St. Vincent union of teachers this year, the overall proportion of the unionized labor force has increased slightly from the approximately 15 percent level in 1988. Unions may form or join federations or confederations. Unions are free to affiliate and do affiliate with international labor bodies, and both the Communist-controlled World Federation of Trade Unions and the International Confederation of Free Trade Unions have affiliates in St. Vincent.

b. The Right to Organize and Bargain Collectively

There are no legal obstacles to organizing unions; however, employers are not legally bound to recognize a particular union as an exclusive bargaining agent. The law prohibits antiunion discrimination by employers against union members

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and organizers. Fairly effective mechanisms exist for resolving complaints. In 1989 the National Workers Movement achieved a recognition agreement with one foreign-owned firm after a brief strike and the personal intervention of the Prime Minister. At the same time the Public Service Union has not yet attained recognition because it still has not reached the necessary 50-percent membership of civil service employees. There are no sectors or areas, including export processing zones, where union organization and collective bargaining are legally or administratively discouraged or impeded.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is illegal in St. Vincent and does not exist.

d. Minimum Age for Employment of Children

By law 15 years is the minimum working age; this provision, which is monitored and enforced by the Ministry of Labor's Labor Inspection Office, is generally respected in practice.

e. Acceptable Conditions of Work

The workweek is 40 hours in 5 days. Workers are guaranteed a minimum annual vacation of 2 weeks. Minimum wages, which are set by law for economic sectors, were raised substantially in 1989. The main impact has been in the small manufacturing sector, where daily rates almost doubled from \$3.85 to \$7.40. This was the first increase in the minimum wage since 1982. To date the impact on employment has been slight; several firms have reduced their work force, but only one company has closed due to the higher wage bill. Many minimum wages are not sufficient to provide a decent standard of living for workers and their families, but most workers earn more than the minimum. Informal arrangements covering occupational safety and health do exist, but the Government has made little progress in converting these into law.

SURINAME

Suriname returned to constitutional democracy in 1988 following 8 years of military rule. The governing three-party coalition, the National Front for Democracy and Development, has a large majority in the popularly elected National Assembly. The Government's composition reflects Suriname's ethnic divisions by including political parties representing each of the country's three largest racial groups, the Hindustanis (Asian Indians), the Creoles (generally the descendants of emancipated slaves), and the Javanese. The Presidency is held by a member of the Hindustani party, while the Vice Presidency is filled by a leader of the principal Creole party. Both officers are chosen by the elected National Assembly.

The Surinamese military, whose influence had diminished following the return to elected government, has reestablished itself as the dominant political force in the country. In contrast to the first year of Front Government, no military men hold civilian government positions, but reports of apparent harassment by members of the security services continue. The military remains the most important threat to the future health of Suriname's democracy. Throughout the year, Surinamese military leaders acted to forestall government actions with which they disagreed on issues affecting their perceived interests. For example, they carried out a well-publicized campaign against a peace agreement reached in July at Kourou, French Guiana, designed to end 3 years of debilitating maroon insurgency in the interior. (Maroons are the descendants of escaped slaves who fled to the interior several centuries ago.) Despite a government announcement of the end of a state of emergency in the interior, travel and the shipment of food and medicine outside the capital remain restricted by the military, and maroon refugees in French Guiana and displaced persons in the capital are still afraid to return to their traditional territories because of possible military retaliation. In June the Government passed an amnesty law which provides a general pardon for military and rebel actions taken since January 1, 1985.

The Surinamese economy enjoyed a limited resurgence in the first half of 1989, even though the civilian Government had made few significant economic policy changes. Real gross domestic product rose strongly, due primarily to a significant recovery in the key bauxite sector which traditionally accounts for 70 to 80 percent of foreign exchange earnings.

In the aftermath of the military era, Suriname's human rights situation continued its spotty improvement. The press offered a forum for the robust expression of all shades of opinion and, to an increasing extent, journalists were more willing to criticize the military. The state-owned news agency became somewhat less blatant in propagating the military's viewpoint. While competing for political influence with the military, the Government was slow in implementing the Constitution which was overwhelmingly approved by the population on September 30, 1987. Not until mid-1989 were representative assemblies formed at the province and subprovince level, and by year's end they had not yet become active. Only a few of the 120 new laws required to implement the Constitution had been passed by the Assembly, and the constitutional court which will interpret the Constitution and rule on human rights issues was not yet established. Although the "state of emergency" was abolished by National Assembly

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action in September 1989, the Government had taken no steps to deprive the military of such "emergency" powers as investigation and detention of civilians, issuance of visas, and supervision of customs and immigration at airports and harbors.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There was one credible report of a politically motivated killing in 1989. A man filmed by a television crew carrying an antimilitary placard in a demonstration in the town of Moengo was forcibly removed from his home on October 30, several weeks after the demonstration, and shot dead by masked men. The incident occurred during a raid by Amerindian insurgents on the town, which had been occupied by maroon insurgents. Independent observers believe the killers were Amerindian insurgents.

In December unknown assailants made an attempt on the life of Suriname's most prominent human rights activist, Stanley Rensch, at his home. Rensch subsequently left the country.

An amnesty law covering acts committed by the military and rebels during the period January 1, 1985, to a date to be fixed by the president (as yet undetermined), was passed by the National Assembly in June. There is an exemption for crimes against humanity, which are to be determined by the Attorney General in accordance with relevant international conventions. At year's end, the law still awaits steps by the executive branch for its implementation.

Two suspects accused of murdering supposed regime opponents during the years of military rule won acquittal on narrow technical grounds. Both suspects are closely connected to the Army. Government prosecutors indicated an interest in bringing charges in one of the cases again, but by year's end no date had been announced.

The Inter-American Commission on Human Rights (IACHR) is conducting investigations into the December 1987 killings of 7 maroons at the village of Pokigron and the November 1988 death while in military police custody of a Surinamese citizen who had just returned from the Netherlands. Government representatives announced their willingness to cooperate with the investigations. In September the IACHR held a hearing on the Pokigron case; further consideration by the IACHR was deferred until the next session of the commission in 1990.

b. Disappearance

Credible indications of disappearances were few in 1989. Human rights activists and the press noted that in several instances, maroons in outlying areas were detained by the military authorities under state of emergency regulations. One such incident reportedly took place in February and a second in June. In both cases, the detainee was eventually released.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no indications of a systematic pattern of mistreatment, but there was a sharp rise in the number of reported instances of police brutality. Several police officers were punished administratively in May for beating a suspect arrested earlier in the year. The press reported also that police officers severely beat a suspect detained in connection with a drug investigation in July. Another press report noted that a man detained in September after a traffic mishap was beaten. A human rights organization claimed that a police officer publicly pistol-whipped a man during a late July soccer match and that a maroon arrested in mid-August received harsh treatment before being released.

Credible sources charged that in May and September persons entering and leaving the international airport were subjected to humiliating strip searches by military police, who still control that facility. The May incident involved a family returning from Holland in which several female members were detained several hours for reasons which were never explained. A human rights activist leaving the country in August was also strip searched by military police before being permitted to depart. The activist's organization had considered legal action against the Government but had not taken any steps by year's end.

d. Arbitrary Arrest, Detention, or Exile

According to law, a person suspected of committing a crime for which the sentence is longer than 4 years may be detained for investigation for up to 10 days before being brought before a judge to be charged. The detention may be longer only if the judge decides there is sufficient evidence to support the charge. There is no provision for bail during this period.

There were four apparent instances of arbitrary arrest in 1989. In late April and early to mid-May, military police detained several persons for suspected involvement with the Jungle Commando, an insurgent group in the interior. Two of the detainees are recognized leaders of the human rights community, the third is a medical doctor involved with the provision of care in the interior, and the fourth is a civil servant. The detainees underwent 4 to 6 hours of rigorous questioning before gaining their release after expressions of concern by the public and diplomats. The authorities did not bring charges against any of those detained.

Exile is not used as a method of political control. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the right to fair public trial in which the defendants have the right to counsel. Indigents generally have access to free or low-cost legal representatives. Civilian defendants before the military court do not receive public trials, but news of military court proceedings regularly appear in the press.

In late April, the military forcefully interfered with judicial procedure. A paramilitary soldier accused of involvement in a brutal 1986 massacre was removed from a civilian jail by an armed platoon on the grounds that the

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civil authorities had no power to arrest and try military personnel. A government commission set up after the incident to determine whether military or civilian authorities should prosecute the case had not reported its findings by year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution protects the right to privacy, there were frequent allegations concerning the monitoring of overseas telephone calls by security service personnel. The charges persisted despite the reported withdrawal in March of security service personnel from an office in the facilities of the state-owned telephone system. Airport military security personnel confiscated papers belonging to a departing Dutch human rights activist in August after he was strip searched (see Section 1.c.). Throughout the year, several labor and political officials reported harassment by anonymous figures. The officials believed the harassment to have been due to their peaceful opposition to the previous military regime.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

There were numerous reports of violations of humanitarian law in 1989, and many appeared to be credible. Following a lull of many months, conflict in the interior flared in April and continued through the summer until the signing of the Kourou peace agreement. One of the more serious violations of humanitarian law was discovered in April when residents of the maroon village of Pokigron fled to the capital bearing reports of the village's destruction. According to still confused accounts of what happened in Pokigron, it appears that elements of the maroon Jungle Commando insurgency torched the dwellings of villagers believed to be allied with the military and that in response other promilitary elements took similar action against Jungle Commando supporters. The persons displaced from Pokigron now live under difficult conditions in the capital.

Following the June start of an Army offensive in the area around Suriname's central reservoir, there were frequent reports of firing on unarmed civilians by military personnel. A human rights group charged that a helicopter fired on civilians on June 3 and on unarmed boats during the first week of June. Beginning in July, there were many credible reports of arbitrary restrictions on the amount and type of material which residents of the interior could bring in to the region. Foodstuffs and medicine were restricted most severely. These restrictions reportedly contributed to or directly caused the closure of medical posts in the interior and the death of several patients, including women, children, and infants.

In late August and September, armed Amerindians hijacked a small aircraft and held the pilot hostage for 1 month. Another group of Amerindians hijacked a ferry boat, killing a passenger in the process. Credible observers believe Amerindian actions are connected to or have been ordered by the military, and stem from military dissatisfaction with the Kourou peace process. The Army took no actions against the Amerindian insurgents, and military spokesmen publicly sympathized with their objectives and praised their tactics. The uprising of Amerindians contributed to a drastic deterioration in already inadequate medical care arrangements for the interior. One source noted publicly that the

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Amerindians had taken custody of the only ambulance available in the Western Suriname settlement of Apoera and that the transport of patients from the interior to the capital for acute care had declined from around 95 per month to 6.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press is protected by the Constitution. As during the first year of civilian rule, the Surinamese robustly exercised their right to criticize government policies. Opposing political views faced little or no restriction in gaining a forum, particularly in the print media. In contrast to the first year of democratic government, critics of the military were less reluctant to speak out.

The Surinamese print media are privately owned and include several church-owned newspapers. Most radio stations are also owned privately, but the State operates both a television and a radio station. The state-owned telephone company also operates a television station. Government restrictions generally prevent this station from broadcasting news and public affairs programming. Academic freedom is legally protected and appears to be protected in practice.

b. Freedom of Peaceful Assembly and Association

The right to assemble peaceably and to form associations for nonviolent purposes is protected constitutionally. These rights are respected in practice. Official registration is required in many instances and is generally granted. Most large public meetings require a permit, and these are granted routinely. Trade associations and professional bodies face no restriction on engaging in political activity or affiliating with international organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of worship is respected in Suriname, a multicultural and multireligious society. Foreign clergy are allowed to administer to the needs of both local and expatriate congregations, and missionaries enter the country freely to proselytize. Organized religions are free to establish training facilities for their clergy. Religious groups maintained international contacts, freely organized trips abroad, and published periodicals.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Surinamese may change their residence and workplace freely, and may travel abroad as they wish. Although the authorities lifted the state of emergency which limited travel to certain interior districts on September 1, travel to the interior remains limited in practice, largely as a result of the precarious security situation. Troops at military checkpoints have repeatedly denied permission to travel into the interior, often on what appear to be arbitrary grounds.

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Surinamese may emigrate without interference and may return to take up residence at any time. Citizenship is not revoked for political reasons. There were no known instances in which refugees were forced to return to countries in which they fear persecution.

Some 6,500 to 7,500 Surinamese refugees remain in camps in French Guiana along the Surinamese border. Following the July signing of the Kourou accord, representatives of the U.N. High Commissioner for Refugees began preparations for their orderly return and opened an office in Paramaribo toward that end. Although many refugees have expressed an interest in returning to their traditional homes in Eastern and Central Suriname, few if any have done so. The refugees cite fear of the unstable security situation in their home region or retaliation by the military for suspected connections with the insurgency. During 1989 hundreds of maroons moved from the interior to Paramaribo and its southern outskirts, mostly because of Amerindian actions in their home areas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Power and authority rests with the Surinamese people under the Constitution approved by popular vote in 1987. Among other rights, the Constitution provides for the right to change government peacefully through the direct election by secret ballot of a National Assembly of 50 members every 5 years. It also protects the existence of political parties. Opposition parties regularly present opposing views in the National Assembly, the mass media, and in public gatherings. Dissenting votes were cast in the National Assembly on a number of bills and on procedural questions.

There are no special conditions or restrictions on nationality or citizenship which limit participation in the political system. In practice, however, the less educated maroons and Amerindians from the interior are largely outside the political process.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the authorities have repeatedly expressed a willingness to cooperate with international and private human rights groups, there has been little progress in the implementation of these groups' recommendations concerning the investigation of past atrocities and disappearances. During 1989, representatives of the International Committee of the Red Cross visited Suriname regularly and conducted a course for military personnel on the Geneva Convention and the laws of war.

In addition to the official National Institute for Human Rights (NIM), there are several other local human rights groups. The NIM was not particularly active during the year and appeared unable to secure much official cooperation for inquiries into such atrocities committed during the years of military rule as the late 1987 massacre at the village of Pokigron (see Section 1.a.). Private human rights groups were largely responsible for the collection of evidence on this and other incidents for use before the IAHR, which began an inquiry into the tragedy in September. Private groups in general are able to interview victims and report their

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findings, generally through self-produced publications but also to international and nongovernmental human rights groups. Moiwana '86, Suriname's best known human rights group, has faced repeated harassment. Following a December attempt by unknown assailants on the life of the group's founder, Stanley Rensch, and Rensch's subsequent departure from the country, the future of Moiwana '86 was uncertain.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Legally sanctioned discrimination is prohibited and is rare in Suriname's multiracial society. Ethnic consciousness remains strong among all groups, however. Maroons and Amerindians report the existence of unofficial discrimination. Such ethnic differentiation is in many cases the result of limited access to technical and higher education.

Women have a legal right to equal access to education, employment, and property. However, social pressures and customs inhibit the full exercise of these rights. In certain spheres, notably marriage and inheritance, civil law holds only limited sway. Thus Hindustani women (and men) must be over age 30 to marry without the permission of the family head. Maroon women cannot keep the estates of their dead spouses; all property and money pass to the tribe. There is no officially sanctioned violence against women. Surinamese law does not differentiate between domestic violence and general assault cases. Women's rights advocates do not consider violence to be one of the major problems they must address, but acknowledge that, due to the traditional practice among various ethnic groups of resolving instances of domestic violence within the community, violence against women could be underreported.

Section 6 Worker Rights

a. The Right of Association

Suriname's Constitution protects the right of workers to associate and to choose their representatives democratically. This right is exercised energetically--about one-half of the total work force is organized. Unions are independent of the Government and play an active role in local politics. The right to strike is also protected by the Constitution. Although there were no major industrial strikes during 1989, labor officials have reported no instances of interference with the exercise of this right. A nationwide general strike on May 5, called to protest inaction by the Government concerning the economy and the maroon insurgency, provided a strong impetus to addressing these problems. The strike demonstrated the power of the labor movement, which has fully recovered from the havoc wreaked by the murder while in military custody of several prominent labor leaders in 1982.

Though not legally protected, strikes and other labor actions by civil servants are permitted in practice. There is an active process of consultation between civil servants and their employer. A 2-day strike by police personnel in April was resolved after the installation of a government commission to investigate police claims that the army had overstepped its bounds in forcibly removing a soldier from civilian custody (see Section 1.e.).

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Surinamese trade unions are permitted to maintain contacts with regional and international labor associations. By 1989 the principal labor unions were represented in the democratic international trade union movement. The Moederbond, following a hiatus in affiliation that resulted from the events of 1982, was fully reinstated to membership in the International Confederation of Free Trade Unions (ICFTU). Two other Surinamese unions, C-47 and the Public Service Unions (CLO), affiliated with the ICFTU at the same time. Another union, the OASF, was affiliated to the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is explicitly recognized by the Constitution and was respected in practice in 1989. Collective bargaining agreements cover approximately 50 percent of the labor force. There are no special economic zones in Suriname, and labor laws are applied uniformly throughout the country. Surinamese law prohibits antiunion discrimination by employers, and there are effective mechanisms for resolving complaints of such discrimination.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by the Constitution, and there were no known incidents of this practice in 1989.

d. Minimum Age for Employment of Children

The legal minimum age for employment of children is 15 years. The Ministry of Labor is responsible for enforcing this law. There were few complaints of violations in 1989, especially in the principal cities and towns. Persons under age 15 occasionally are employed as newspaper sellers and street vendors. Most such employment generally occurs after school hours.

e. Acceptable Conditions of Work

There is no legal minimum wage in Suriname, but wages remain high by regional standards and provide workers with a decent standard of living. Work in excess of 8 1/2 hours per day or 48 hours per week on a regular basis requires special government permission, which is routinely granted. Overtime work is payable at a premium. Occupational safety and health regulations were fully in effect, and a number of workplaces were closed down during the year for noncompliance.

TRINIDAD AND TOBAGO

Trinidad and Tobago is a republic with a parliamentary form of government. Free and fair elections have been held at regular intervals since independence from Great Britain in 1962. Prior to December 1986, each election had been won by the People's National Movement (PNM). The election of the National Alliance for Reconstruction (NAR) Government on December 15, 1986 marked the first change of political power in 24 years of independence.

The Trinidad and Tobago police force is, generally, a capable and professional force. However, reports of abuse of authority and corruption and the filing of court cases against individual police officers continued during 1989. The legal system provides measures for redress for the complainant in such cases. Both the police and the Trinidad and Tobago Defence Force are under the control of and responsive to civilian authorities.

The country's mixed economy is based primarily on petroleum production and refining, but efforts continue to diversify the economy into agriculture, manufacturing, and tourism. Many major industries are either wholly or partially owned by the Government. There is a strong tradition of private enterprise and ownership of property, however, and the Government is endeavoring to sell several state enterprises, in whole or in part. The economy has suffered with the worldwide fall in oil prices, but Trinidad and Tobago continues to have a high standard of living.

Political and civil rights are provided for by the Constitution and are generally respected in practice. In the event of a presidentially declared public emergency, legislation may be enacted for limited periods that derogates from constitutional rights and protections unless determined by the Court "not to be reasonably justifiable" for the purpose of dealing with the emergency. There were no significant changes in Trinidad and Tobago's good human rights record in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated or other extrajudicial killings. In September 1989, several shots from a passing car were fired at a vehicle carrying the wife of President Noor Hassanali. The motivation behind the attack has not been determined.

b. Disappearance

There were no reports of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids such treatment, and any evidence obtained by such means is inadmissible in court. Torture is not practiced. During 1989 there continued to be credible allegations in the press and charges in the courts that individual police officers have mistreated persons under

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arrest. The law permits victims of such treatment to sue for civil damages and to file criminal charges against the individual police officer involved, and such suits are occasionally initiated. The courts often find in favor of the complainant, and police officers found guilty of misconduct are subject to disciplinary action. There is no evidence that police brutality or other misconduct is systematic or condoned by the Government.

The law requires a public coroner's inquest in any case of death by unnatural causes in which a coroner finds the circumstances warrant it. In 1989 there were 11 instances of persons being shot by police officers who allegedly were acting in the line of duty. In one instance a 14-year-old girl was shot, which raised questions as to whether the use of lethal force by the police was justified. Inquests were initiated, with heavy media and public scrutiny at the time. Some of the inquests in these cases have been completed while some have been delayed by court backlogs. One inquest in progress at year's end involved the death of a convicted prisoner, who was allegedly beaten to death in 1988 by prison guards after killing a guard. Police officers rarely are indicted following an inquest. The verdict is generally that the officer acted in self-defense.

d. Arbitrary Arrest, Detention, or Exile

The Constitution specifies that a suspect has the right to be "informed promptly" of the reason for arrest or detention. In practice, police usually charge a suspect within 48 hours, but there have been cases in which charges have not been brought for 4 or 5 days. Court orders may be obtained by the police to hold an individual longer than normal to gather more evidence. Arrests without warrant are permitted when a person is apprehended committing an offense or when reasonable suspicion exists that an offense has been or is about to be committed.

The law does not allow preventive or incommunicado detention. Persons arrested have the right to a judicial determination of the legality of their detention. Detainees generally are allowed access to a lawyer if one is requested, and to family members, but police sometimes deny access if they believe it would impede an investigation. There continue to be recurring charges in the courts and press that the police have violated one or more of these procedures in several cases. The courts, which monitor police practices in these matters, have found for the complainant in some but not all of the cases.

The Government introduced antidrug trafficking legislation in 1989 that included provisions for forfeiture of assets. Several of the bill's search and seizure provisions prompted concerns among lawyers, the media, and legislators that civil liberties would be infringed. The Government has sought to allay these concerns by amending the bill, which has not yet been adopted by Parliament.

The practice of exile is illegal and does not exist.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution specifies that accused persons receive a fair and public trial by an independent judiciary; appeals may be

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made to the Court of Appeals and eventually to the Privy Council in London. Under common law practice, defendants enjoy a presumption of innocence and the right to confront witnesses and present evidence. These rights are respected in practice.

All accused persons have the right to an attorney. Legal assistance is available from the Legal Advisory Board of the Ministry of Social Development and Family Services for persons who demonstrate that they cannot afford an attorney. An accused may be freed on bail pending trial unless charged with murder; the Presiding Magistrate may suspend bail after consultation with the prosecution and defense. Judicial officials have noted, however, that bail jumping is a common practice. Draft legislation proposed in 1988 by the Government to restrict or deny bail for certain serious criminal offenses was withdrawn by the Government for further study after much criticism from the media and the legal profession. The bill has not been reintroduced. Despite continuing attention by government officials and the Bar Association to the large backlog of cases awaiting trial or appeal, there remain significant delays in bringing cases to trial and in processing appeals.

There are no political prisoners in Trinidad and Tobago.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such interference, a prohibition generally respected in practice. Warrants are required for searches.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, and this right is protected in practice by the country's independent judiciary, a democratic and pluralistic political system, and independent and privately owned print media. Academic freedom is respected and is protected by law.

The import or circulation of publications may be prohibited under the Sedition Act if they are deemed to have a seditious intention. The law has been rarely invoked in recent years. A Board of Film Censors is authorized to ban films it considers to be against public order and decency or undesirable in the public interest. Within the past year, the Board's action came to public attention on one occasion when it banned "The Accused." The Prime Minister, acting under the Cinematograph Act, banned the showing in Trinidad and Tobago of "The Last Temptation of Christ."

Foreign exchange scarcities have reduced allocations to newspapers for the import of newsprint. One newspaper which is generally critical of the Government won a court case against the Government in 1989 after charging that the Government had unconstitutionally reduced the newspaper's foreign exchange allocation for the purchase of newsprint. The newspaper continues to claim that it is receiving discriminatory treatment with respect to foreign exchange allocations.

Trinidad and Tobago Television (TTT), the sole television

TRINIDAD AND TOBAGO

station in the country, is government owned. Its coverage is generally unbiased, although the opposition has claimed that informational programming on government-sponsored activities, identified as NAR (the ruling National Alliance for Reconstruction) initiatives, gives the NAR an unfair political advantage. In recent years, the Government has received a few applications for the licensing of one or more privately owned television stations. No action has been taken on these applications to date.

One of Trinidad and Tobago's two radio stations is government owned, and the other is privately owned. Both are currently operating without licenses while the Government develops a telecommunications policy which will cover all broadcast media. A government draft telecommunications white paper circulated for public comment was criticized by media officials because of certain sections which pertained to government regulation. Those sections were thereafter deleted by the Government. Political opponents of the Government have argued that the presence of ruling party supporters on the executive boards of the government-owned radio station leads to the same political bias in broadcasting policy as they claim exists in TTT.

b. Freedom of Peaceful Assembly and Association

These freedoms are protected by law and respected in practice. Registration of private organizations is not required. Permits are required in advance for street marches, demonstrations, or other public meetings, and these are normally granted, both to critics and supporters of the Government.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The right to practice one's religion is provided for by the Constitution and is respected in practice. There is no state religion and no religious test for public office. There are large groups of Christians, Hindus, and Muslims in the population, and these and other religious groups are allowed to maintain association with organizations and persons in other countries and to perform religious travel. Religious groups are free to establish places of worship and to engage in religious training, education, and publishing. Missionaries are permitted to enter the country and proselytize. Conversion from one religion to another is not hindered. Licensing of religious organizations is not required. (N.B. Parliamentary approval is not a requirement for incorporation of religious organizations as previously reported.)

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no arbitrary restrictions on emigration or travel either within or outside the country, nor on the changing of residence or workplace.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The citizens of Trinidad and Tobago choose their government by secret ballot in free and fair multiparty, multicandidate

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elections held, as required by the Constitution, at intervals not to exceed 5 years. Elections for municipal and county officials are held every 3 years and elections for the 12-member Tobago House of Assembly every 4 years. The Constitution allows citizens, as well as legal residents with citizenship in other Commonwealth countries, who are at least 18 years of age, to vote, and there are no restrictions on the participation of women in political activities.

The country is governed by a bicameral Parliament: an elected 36-member House of Representatives whose members represent single-member voting constituencies and a 31-member Senate whose members are appointed by the President, 16 on the advice of the governing party, 6 on the advice of the opposition, and 9 at the President's discretion. The Prime Minister, who is the Head of Government, is the member of the House of Representatives who commands the support of the majority of the House. The President, elected by Parliament, is the Head of State.

Opposition parties have contested every general election since party elections were begun in 1956, except in 1971 when the opposition chose not to participate. Several opposition parties combined in 1985 to form the NAR which, in the December 15, 1986, elections, won 33 of 36 elected Parliamentary seats. The PNM, which now forms part of the opposition, had until then governed since 1956. During 1988 the NAR expelled some of its prominent leaders, who in 1989 formed a third major party, the United National Congress (UNC).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

An Amnesty International representative familiar with the area regularly visits the country on routine business, and the Government cooperates with these visits. Besides the judiciary, which acts on legal cases involving alleged human rights violations, there is an Ombudsman, an officer of the Parliament, who is empowered to investigate complaints of violations of law or policy and to report the findings to Parliament. There is also a nongovernmental Bureau of Human Rights, which was established by a local attorney and focuses on areas of interest and concern to him. Trinidad and Tobago is a party to the United Nations' international covenants on human rights.

In 1989, the Caribbean Institute for the Promotion of Human Rights relocated its headquarters to Port of Spain from St. Vincent. This regional organization is composed of respected Caribbean human rights activists who seek to collect information and report on Caribbean human rights matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence of systematic official discrimination based on race, sex, religion, language, or social status in Trinidad and Tobago. All persons are fully protected under provisions of the Constitution. Trinidad and Tobago includes various ethnic and religious groups that live together peacefully, generally respecting each other's beliefs and practices. Nevertheless, relations between Afro-Trinidadians and Indo-Trinidadians, who each comprise approximately 40

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percent of the population, are complex and at times tense. The private sector, which has long been dominated by Caucasians and Indo-Trinidadians, continues to be the bulwark of employment for these ethnic groups; at the same time, Afro-Trinidadians are employed in disproportionate numbers in some segments of government services, particularly in the police and military. Government cabinets have been predominantly composed of Afro-Trinidadians.

Women enjoy equality under the law. Many hold positions in the Government, civil service, political party leadership, business, and the professions. Women's groups speak out publicly and are heard on all aspects of public life. Women make up approximately 34 percent of the paid labor force, and collective bargaining agreements cannot be registered with the Industrial Court if they exhibit wage disparities between men and women.

Although there has been no definitive collection of data, it is generally speculated that as many as one in three women have suffered physical abuse from their spouse or other family member. The Government is concerned about this problem, as well as child abuse. Since 1987, a cabinet-appointed committee has been studying abuse patterns in Trinidad and Tobago, and its recommendations for governmental and private action are now before the Cabinet. There are several privately operated shelters for battered women in the country.

Section 6 Worker Rights

a. The Right of Association

The right of association is respected in law and practice. An estimated 22 percent of the work force is organized into 45 labor unions. The unions are independent of government or political party control, and they freely represent their members' interests. Union members are free to choose their own representatives, and unions are free to publicize their views and determine their own programs and policies. The majority of the unions are grouped into two labor confederations, the larger of which is associated with the International Confederation of Free Trade Unions, while the other is associated with the Communist-controlled World Federation of Trade Unions.

Workers are permitted, upon expiration of a conciliation period, to strike, and employers are permitted to lock workers out. After a strike or lockout has gone on for 3 months, either of the parties involved can request the Minister of Labor to refer the question to the Industrial Court, which is part of the independent judiciary, for a binding decision. Workers in two state-owned oil companies went on strike in 1989. Strikes and lockouts are not permitted in essential public services, and the Minister of Labor may apply for an injunction to halt any labor action he finds contrary to the national interest. This power has not been invoked since independence.

Workers in essential services with labor grievances may call on the conciliation services of the Ministry of Labor or may take their cases directly to the Industrial Court. They may also file civil suits against the Government.

The Committee of Experts of the International Labor Organization (ILO) has for several years concluded that

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various aspects of the country's labor legislation, including those related to strike and binding arbitration procedures, are inconsistent with ILO Conventions 87 and 98.

b. The Right to Organize and Bargain Collectively

The constitutional right of workers to organize and bargain collectively is well exercised. Antiunion discrimination is prohibited by law, and trade union property, as other private property, is protected under law. The Ministry of Labor acts as an impartial conciliator in collective bargaining impasses. There are a few complaints each year to the Ministry of Labor about private antiunion activities, usually involving a suspension or dismissal of an employee who alleges the action was taken in part because of union activity. The Ministry of Labor is generally able to resolve the cases brought to it.

During 1989, the Trinidad and Tobago Unified Teachers Association filed a complaint with the ILO against the Government for its 10 percent reduction of the salaries of public servants, calling it a violation of collective bargaining rights. The Government intends to respond to the complaint in accordance with ILO procedures.

The Parliament in 1988 enacted legislation to regulate the establishment of free trade zones. It is anticipated that wages and terms of employment in the free trade zones may be less favorable than the prevailing minimum standard, but the legislation provides for internationally accepted worker rights, including the right to organize and bargain collectively.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Trinidad and Tobago. Although there is no domestic legislation on this matter, Trinidad and Tobago is a party to the relevant ILO conventions. The ILO's Committee of Experts criticized provisions in Trinidad and Tobago's law which permits penalties of imprisonment involving compulsory labor for breaches of discipline by seamen and other persons employed in certain public services.

d. Minimum Age for Employment of Children

Legislation prohibits the employment of children under the age of 12 years, and children aged 12 to 14 years are permitted to work only in family businesses. These restrictions are generally respected in practice. Education is compulsory until the age of 12 years.

e. Acceptable Conditions of Work

There is no nationwide minimum wage rate. Most wages are covered under collective bargaining agreements and provide a decent living for workers and their families. The Ministry of Labor is studying recommendations regarding the institution of a nationwide minimum wage. Minimum wages and working conditions were, in the past, set by the Minister of Labor for three occupations considered difficult to organize into unions: gas station attendants, shop clerks, and domestic servants. That of shop clerks, for example, was \$20 per week. This government wage order expired in 1984, however, and some employers now pay lower than the previous minimum wage. Because this minimum wage level is not considered

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enough to live on, minimum wage workers usually have secondary sources of support, generally from their families. Working hours are determined through collective bargaining agreements or other employment agreements. The standard workweek is 40 hours. Additional hours are considered overtime at a negotiated rate. Daily rest periods and paid annual leave form part of most employment agreements. There are no legal restrictions on overtime work.

Occupational health and safety is governed by the 1948 Factories Ordinance Bill, which sets requirements for health and safety standards in certain industries and provides for inspections to monitor and enforce compliance. The Government enforces compliance with health and safety regulations, although such enforcement is sporadic due to a shortage of inspectors. Trade union representatives also monitor compliance. A new occupational safety bill was prepared and sent to the Legislative Review Committee of Parliament, but there has been no action on the bill since 1986. Workers who file complaints with the Ministry of Labor regarding illegal or hazardous working conditions are protected under the Industrial Relations Act. Government inspectors investigate such complaints.

A severance and retrenchment law enacted in 1985 aims at providing improved severance benefits for laid-off workers. Controversial draft legislation to establish a severance benefit fund remained under Cabinet consideration at year's end.

URUGUAY

Uruguay is a constitutional republic governed by an elected president and a bicameral legislature. On November 26, 1989, a free and fair presidential election took place for the first time since Uruguay returned to constitutional government in 1985 after 12 years of military rule. (The 1984 election was not completely free since the armed forces prohibited some politicians from campaigning.) Luis Alberto Lacalle of the National (Blanco) Party was elected President and will begin his 5-year term on March 1, 1990, succeeding Julio Maria Sanguinetti of the Colorado Party. Uruguay's judicial branch is independent, as is its legislature. Political parties, the press, labor unions, private interest groups, and other nongovernmental groups function freely, and political debate is vigorous and unrestricted.

Uruguay's small military establishment, consisting of an army, air force, and navy, is under the supervision of the Ministry of Defense. The military does not participate in domestic security matters unless ordered to do so by the civilian authorities. Domestic security and public safety matters are under the jurisdiction of the Interior Ministry, which administers all of the country's police departments.

Uruguay is a middle income country (with a per capita gross domestic product of \$2,596 in 1988) whose economy is still heavily dependent on agricultural exports and agro-industry. After significant growth in 1986 and 1987, the economy slowed dramatically in 1988 and was not expected to rebound significantly in 1989. The slowdown is due to a reversal of the same trends which fueled growth in 1986-1987, such as increases in oil prices and higher international interest rates; declining domestic demand and investment; and a severe drought which seriously affected the agricultural sector.

During 1989 there were no credible reports of significant human rights violations. After the return to democracy in 1985, all political prisoners and even some nonpolitical ones received amnesty. The most important human rights event in 1989 was the referendum on the 1986 Law of Expiration, put forth by the Government under heavy pressure from the military, which effectively exempted military and police personnel from prosecution for human rights abuses committed during the military regime. Opponents of the law were able to have the issue submitted to a referendum, and on April 16 the law was upheld by a margin of 1,082,454 to 799,109 (57.5 to 42.5 percent of the valid votes cast) in a national plebiscite. In 1989 the Supreme Court, by a 3 to 2 vote, again upheld the Law of Expiration in cases challenging its constitutionality, but only after classifying it as an amnesty. The Government, to avoid offending the military, had avoided calling the law an amnesty.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No cases of politically motivated or other extrajudicial killings were reported.

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b. Disappearance

No cases of disappearance were reported during 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits brutal treatment of prisoners. In July 1989, the death of a laborer while in police custody led to charges of police mistreatment. The police maintained that the prisoner hanged himself in his cell. The resulting controversy led to the resignation of the Minister of the Interior, and a Deputy Police Chief was convicted of misconduct in connection with the death. There were no other reports of possible mistreatment of prisoners in 1989.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a written warrant for an arrest except in cases where the accused is apprehended during the commission of a crime. It also provides for the right to a judicial determination of the legality of detention and requires that the detaining authority in an arrest explain and justify to the judiciary the legal grounds for the detention. A prisoner has the right to counsel and the right to give a statement and appear before a judge within 24 hours of detention. The judge must begin the judicial process within 48 hours of arrest. Failure to comply with this 48-hour rule has led to the release of detainees. Bond is allowed in those criminal trials which could lead to a penitentiary sentence. Military justice is applicable to civilians only during a state of war or insurrection. These constitutional provisions are generally respected in practice.

The victim mentioned in Section 1.c. had been detained during a "razzia," a random police sweep of bars and nightclubs in which young adults are arbitrarily detained and held for short periods without charge. Following the conviction of the deputy police chief for deprivation of liberty in this case, the police have ended their practice of "razzias." Young adults involved in the "razzias" are the only persons known to have been subjected to arbitrary detention. Since the end of the military dictatorship, no Uruguayans have been forced into exile for any reason.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary regained its autonomy in 1985, and military officers appointed by the military regime to the Supreme Court or the Higher Appeals Court retired from those positions at that time. The law provides for two military justices on the Supreme Court, who participate only in cases involving the military. The Constitution requires that all trials must open with a public statement of the charge by the prosecutor or the complainant. However, Uruguayan court procedures require the lawyers' arguments to be submitted to the judges in writing, and these written statements are normally not made public. There is a parallel military court system under the Military Justice Code. Uruguay has no political prisoners.

Uruguay has a judicial system based on the Napoleonic Code. Under the provisions of the Uruguayan Penal Code, an arrested person may be held incommunicado by the police for a period of

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24 hours. After 24 hours, the prisoner must be presented to a judge who, in turn, has an additional 24 hours to release the prisoner or issue a processing order which is based on evidence that the accused person could be responsible for a crime. When a processing order is issued, the prisoner then is given access to legal counsel, and if he cannot afford a lawyer, a public defender is appointed. If the crime carries a penalty of at least 2 years in prison, the prisoner is confined during the judge's investigation until the authorities agree to release him on bail, or until the case is closed. Trial proceedings are based on written arguments, and the defense attorney has access to all documents which form part of the written record. Under Uruguayan law, there is no provision against self-incrimination, and the defendant may be compelled to answer any questions to the judge.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy. The home, absolutely inviolable at night, can be entered and searched only with a legal warrant during the day. Protection for private papers and correspondence is equally strong, and a warrant is required for confiscation. These rights and protections are well respected. Investigations of wiretapping during the military regime continue, but there has been no evidence of any such activity after March 1985.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press. All elements of the political spectrum express their viewpoints in both the print and broadcast media. Formerly proscribed organizations such as the Tupamaro Movement, which conducted terrorist campaigns in the late 1960's and early 1970's, and the Communist Party freely publish newspapers and operate radio stations. There are three nonaffiliated independent television stations and one public service government station. Montevideo has eight daily newspapers, and there are approximately 65 to 70 newspapers in the interior of the country (primarily weeklies). Uruguay has 23 FM and 87 AM radio stations, and 20 television stations. The only government-owned media outlets are one television station and one AM radio station.

In 1988 a conservative journalist was convicted for a second time under the 1984 criminal libel law. He remained free during 1989 pending appeal of the 6-month jail sentence which he received. Each of this journalist's convictions resulted from complaints brought by private citizens.

The National University is autonomous, and academic freedom is respected. University elections have been held three times since 1985, and student groups have resumed campus political activities. Most professors dismissed for political or ideological reasons by the military regime have returned to their positions, although a few cases continue under study.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are protected by law. Formerly banned groups, such as the Tupamaros, are free to

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organize and express their opinions. Public marches and demonstrations are allowed with permits from the Ministry of the Interior and occur without official harassment or intimidation. Persons denied citizenship rights by the military regime because of political affiliation or activity have had their rights fully restored.

There were numerous attacks, generally late-night vandalism but some cases of arson, against the offices of political and labor groups, primarily but not exclusively leftist. These incidents resulted in little damage and few injuries. No arrests were made beyond that of one ex-policeman, dismissed in 1983, who was identified by a witness to one of the attacks.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion, provided for by the Constitution, is respected in practice. Most Uruguayans who practice a religion are Roman Catholic. Members of other religions exercise their faiths unhindered, and missionaries are free to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal and foreign travel and emigration are unrestricted. An estimated 300,000 Uruguayans left the country during the military regime, some for political and many for economic reasons. Programs exist for their repatriation, and Uruguayans who wish to return are encouraged to do so. All of the prominent political figures exiled by the military regime have returned.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The citizens of Uruguay have the right and ability peacefully to change the government. Uruguay is a multiparty democracy, with mandatory universal suffrage for those 18 years of age or older. Voting is not restricted by race, sex, religion, or economic status. The Colorado Party, the National (or Blanco) Party, a coalition named the Broad Front, and a coalition named the New Space are the four major political entities. Each allows ideological divisions within the party, and each such division may field its own slate of candidates for general elections. The Uruguayan electoral system combines a primary and general election in a double simultaneous vote. Each party fields different lists of candidates; in essence, voters express a preference for a list rather than an individual candidate, as well as vote for a party. The winning list of the party which gets the most votes wins the Presidency and a percentage of seats in the Senate and Chamber of Deputies corresponding to the percentage of votes that the party as a whole received. A party therefore may run multiple presidential candidates, each with his or her own slate of legislative candidates. National and provincial elections are held simultaneously every 5 years.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The human rights performance of the Government since its return to democratic rule in 1985 has not been the subject of attention by international and local human rights organizations, with the major exception of their serious concern about, and opposition to, the Law of Expiration. The Government is open to inquiries from such organizations and does not restrict the activities of human rights investigators.

Local human rights groups, some of which could not operate openly under military rule, now function freely and without restriction. A prominent local human rights group, Peace and Justice Service (SERPAJ), was legalized in early 1985 after operating underground for 2 years during the military regime. SERPAJ investigates human rights issues, such as prison conditions and cases involving killing, torture, and disappearances which occurred during the military regime. An effort by SERPAJ to have the Senate deny promotions to 11 military officers it claimed took part in past human rights violations failed, and all 11 were promoted.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Uruguay has long been one of the most egalitarian countries in Latin America. There are few racial or linguistic minorities in the country. Nonwhites are disproportionately represented at the lower end of the economic scale, but this is not the result of legislation or official policy.

Uruguayan women enjoy equality under the law, but they face a number of forms of discrimination owing to traditional attitudes and practices. Pay is not always equal for men and women, especially in less skilled jobs.

Violence against women, including wife beating, exists, but until recently this problem received little publicity. It is believed, however, that wife beating is common and widespread. According to women's rights activists, abuse against women, especially domestic violence, has apparently always been common in Uruguay. Since the return to democracy in 1985, this problem has been receiving increased public and governmental attention. A government body called the Commission of Women receives complaints of abused women, and the penal code mandates a sentence of 3 months in jail to 3 years in prison for the crime of "private violence." However, in practice the legal system is not effective in dealing with what is essentially a cultural and educational problem. The main legal recourse for abused women lies in making a legal complaint against a spouse or boyfriend. However, many women find it very difficult to make and sustain such a complaint, especially those who continue to reside with their partners. Several women's rights groups provide assistance to abused women and also have programs to publicize the problem and educate the population. One of these groups led a demonstration in front of the Women's Commission offices on November 14, 1989, to protest the Commission's failure to assist a woman who was murdered by her husband on November 12, 1989, after 17 years of abuse.

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The President signed into law an antidiscrimination bill which calls for prison sentences, ranging from 3 months to 2 years, for defamation as well as incitement to, or perpetration of, acts of violence motivated by racial, religious, or ethnic reasons. The law, Equality of Opportunities and Treatment For Both Sexes in the Labor Field, was approved by Parliament on May 17, 1989.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of workers to organize freely, and the formation of unions is encouraged. Civil servants may join unions, as may employees of state-run enterprises. There are no legal restrictions on union membership for workers in special economic zones.

All labor unions are independent of government or governing party control. There are no restrictions on union political activities. While some union members and leaders are politically active, unions themselves have traditionally refrained from participating in partisan politics. Workers have the right to choose their own representatives, publicize their views, and determine their own programs and policies. Union officials have the right to represent the members' interests. The member unions of the central labor organization, the Interunion Workers Assembly-National Workers Association (PIT-CNT), have about 250,000 members representing over 80 percent of organized workers. The PIT-CNT is a voluntary confederation of independent unions, and there are a number of strong autonomous unions as well.

Uruguayan workers, including some civil servants, have the right to strike, and many unions did so during 1989. Sympathy strikes are not prohibited. Most of the contracts for the industrial sectors negotiated in 1988 included "no strike" clauses which restrict the workers' right to strike over pay disputes during the term of the contract (18 to 24 months). Of the strikes which took place during 1989, most were resolved when the two parties involved reached a mutually acceptable settlement. In the case of a job action in August involving port workers, the Ministry of Labor and Social Security (MTSS) stepped in, with the permission of both sides, in a mediating capacity. There are no institutionalized mechanisms for arbitration or mediation; the MTSS performs the role of mediator on an ad hoc basis.

Workers can be legally compelled to work during a strike if their work is considered to be an essential service, the definition of which is relatively limited although it may in some cases exceed International Labor Organization (ILO) definitions. In the 1-day general strike on June 27, municipal public transportation was declared essential and minimal levels of bus service were maintained. During the August strike by municipal workers, garbage pickup was declared an essential service by the municipal government. Workers were ordered to return to their jobs; few responded, but there were no cases of workers being penalized for their refusal.

There are no restrictions on unions' right to affiliate with international trade union bodies. By choice, the PIT-CNT is not officially affiliated with any of the three world

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federations. Many individual unions are affiliated with international trade secretariates.

b. The Right to Organize and Bargain Collectively

Discrimination by employers, including arbitrary dismissal, for union activity is prohibited. There is no institutionalized mechanism for resolving such complaints against employers, however, and no formal complaints are known to have been filed with the Government.

Industrial contracts are generally negotiated on a sector-wide, rather than plant-by-plant, basis. These negotiations take place under the auspices of a tripartite (government, workers, management) organization known as a Salary Council. Each industrial sector has its own council. The role played by the government representative can vary from council to council. In some, the government representatives see themselves as primarily arbitrators or mediators and only participate in the negotiations when there is an impasse. In others, the government representative is an active, equal participant in all phases of the negotiations. Individual firms and unions are not prohibited from bargaining outside the council framework. The Government must approve contracts before they become legally binding on the parties involved; during the last round of wage negotiations (1988) the Government approved only those contracts negotiated under the council system. Most employers like the security gained from the council system; most unions like the equity of wages that results from the sector-wide negotiations.

In November 1989, the ILO's Committee on Freedom of Association (CFA) reached interim conclusions regarding a complaint presented by the PIT-CNT alleging, among other things, that the Government exercises a veto power over salary council collective bargaining agreements that exceed anti-inflationary wage guidelines imposed by the International Monetary Fund and in some cases has directly fixed wage guidelines without convening the salary councils. The CFA concluded that these allegations were largely unfounded, noting that there has been a positive evolution as regards collective bargaining in Uruguay to the extent that 83 percent of the wage earners in the private sector are now covered by agreements negotiated essentially bilaterally. The Committee, however, urged the Government to legalize the right of employees of autonomous and decentralized state enterprises to conclude collective agreements.

Workers employed in the two special export zones are fully covered by all labor legislation.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and there is no evidence that would indicate its existence in practice.

d. Minimum Age for Employment of Children

Children are protected by a child labor code, violations of which are punishable by fines of up to \$500. Children under the age of 15 generally are not employed, but children as young as 12 may be legally employed if they have a special government work permit. Children under the age of 18 may not perform dangerous, fatiguing, or night work, apart from domestic employment. Salaries and hours for children are

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controlled more strictly than for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income. Children working in the expanding informal sector, such as street vendors or others with no fixed place of work or in the agrarian sector, are generally less strictly regulated and receive lower pay.

e. Acceptable Conditions of Work

The legislated minimum wage is approximately \$72.37 per month for industrial workers. The minimum wage appears to be effectively enforced and adhered to by the sectors to which it is applicable. The minimum wage is adjusted every 4 months; raises in the minimum wage are indexed to 90 percent of the rate of inflation for the previous 4-month period. The minimum wage was raised in November to approximately \$79.59 per month. A family dependent on one minimum-wage income would be living below the poverty line and would be in the poorest 20 percent of the population. The median family income for Uruguayans during the April-June 1988 period, however, was close to double the minimum wage.

The standard workweek is 48 hours in 6 days. Industrial workers receive overtime in compensation for work in excess of 48 hours. Workers are entitled to 10 days' paid vacation after a year of employment; this vacation period increases with each year of employment. Workers are protected by legislation regulating the health and safety of working conditions, and these existing laws and regulations appear to be effectively enforced or adhered to in practice. However, concern has risen in the last year over inadequacies in the current legislation which governs health and safety in the workplace, and the Parliament was studying more stringent measures prior to year's end. Some labor regulations cover urban and industrial workers more thoroughly than rural and agricultural workers.

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Venezuela is a republic with an active multiparty democratic system, a free press, strong unions, and a longstanding commitment to democracy. For more than 30 years, power has passed peacefully between the two major political parties through open elections. In 1988 a third Venezuelan party emerged as a significant factor.

The Venezuelan security apparatus has civilian and military elements, both of which are held accountable to popularly elected authorities. The military services still focus on conventional war, but are occasionally called upon to maintain domestic order, for example, during the urban rioting which erupted early in 1989.

Venezuela's mixed economy is dominated by the public sector. The state-owned petroleum industry currently accounts for some 20 percent of the gross domestic product, more than any other industry. The Venezuelan Government is in the process of a major economic restructuring to reduce its dependence on oil exports and to enable domestic business to compete more effectively in the international market. To reduce the scope of public sector intervention in the economy, authorities have rationalized the exchange rate, reduced interest rate and price controls, as well as the level of subsidies for consumer goods. In the short term the adjustment program is likely to be painful.

The principal human rights concerns in Venezuela result from weaknesses, including alleged corruption, in the country's judicial system, which often result in prolonged pretrial imprisonment, and in the law enforcement system, which continues to be charged with numerous instances of arbitrary detention, of abuse of detainees, and of extrajudicial killings. The 1989 human rights record was marred by widespread riots and the reactions of security forces. On February 27-28, crowds, reacting to a sharp increase in bus fares, began burning buses. The violence grew when mobs, frustrated by reduced food supplies, began widespread looting of groceries and other businesses. With police unable to restore order or to safeguard property, the Government temporarily suspended some constitutional rights and used military force to restore order and to feed the population. While most Venezuelans were relieved at the army's success in restoring order, many persons were killed, and critics characterized some of the army's tactics as heavy-handed and unjustified.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Authorities do not engage in or condone unlawful or arbitrary killing for political motives, and there were no reports of such killings. There have, however, been instances of extrajudicial killings, including police shooting and killing of criminal suspects, of security forces killing civilians, and of arrested persons dying while in police custody.

In the only incident of its kind to occur under democratic rule in Venezuela, a large number of extrajudicial killings took place in February, when the Government, in response to

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widespread rioting and looting, declared a curfew and instructed regular military forces to restore order in numerous neighborhoods in Caracas and other cities. Critics of the Government charged that security forces shot at random into houses and businesses, killing people both in their homes and on the street who were breaking no laws and represented no threat. The Minister of Defense denied that an order to "shoot on sight" was issued and said that his forces only responded to attacks against them. Critics acknowledge that snipers challenged the military in some areas (although the prevalence of such activity is in dispute), and the Government admits that in some instances excess force might have been used. The Government called on the army when the efforts of police to control mob violence broke down. (In a few instances, police officers actually joined the looting during the first 2 days, before the armed forces intervened.) The rioting spread not only through most of the capital but also to smaller towns and cities throughout the country. It was primarily in Caracas, however, that casualties occurred. Violence subsided in most other urban areas before deadly force was employed.

The Government estimated that there were from 275 to 300 deaths resulting from the riots. Other estimates were much higher, and some government officials agreed that the official figures were too low. A few sources, citing reports from family members and personal contacts in hospitals and morgues, contended that the death toll exceeded 1,000. The exact number of deaths could not be established, nor could the proportion of deaths caused by security forces versus those caused, accidentally or deliberately, by mob actions.

President Carlos Andres Perez appointed a special committee to investigate military actions during the riots, which found that some abuses had occurred. An arrest warrant was issued for two municipal police officers accused of abuse of authority for entering a private residence and removing, beating, and shooting at two persons with whom they had personal differences. Some critics complained that the Government's attempts to redress grievances arising from these incidents were inadequate. The Government maintained that, while unfortunate abuses did occur during February, many were unavoidable given the extent of the disturbances.

In another case of extrajudicial killing, the shooting to death of 14 civilians by Venezuelan security forces in the town of El Amparo, near the Colombian border, during October 1988, was considered by both military courts and the Supreme Court during 1989. Arrest warrants issued against some of the officers involved in the shootings, based on the testimony of two survivors, were revoked by the military court of appeals on the grounds that the issuing court did not have jurisdiction. Fearing for their safety, the two survivors were given temporary refuge by the Catholic Church. The court decision was sharply criticized as obstructing a full inquiry into what generally is regarded as having been a massacre. In a further appeal, the Supreme Court refused jurisdiction. On December 5, however, a separate section of the Supreme Court reviewed and annulled the earlier decision by the military court. This second decision declared that the military court does, in fact, have jurisdiction and should issue a new decision based on "accurate" legal interpretations. At year's end, it remained unclear what effect this ruling will have on the El Amparo case.

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b. Disappearance

In the February-March violence, when civil liberties were temporarily suspended by the Government using martial law authority, numerous persons disappeared for varying lengths of time. Some of these persons were later found dead, reportedly having been shot in the head or back. Persons claiming to have been eyewitnesses told of individuals taken from their homes by security officials; some were later found in prisons or other detention centers, and others were reportedly later found dead. The Committee for the Disappeared, a group composed of family members of the missing people, lists 16 persons as still being untraceable. Other human rights groups, not necessarily made up of missing persons' families, offer figures in this same range. Human rights groups reported that the Public Prosecutor's office has increased efforts to assist the families of the missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law. Constitutional provisions for the integrity of the individual are generally enforced, but allegations of physical abuse of detainees are prevalent. There are claims that electric shocks and beatings are not uncommon during ordinary times--some detainees have publicly told of such experiences--and that more extreme abuses occurred during the February riots.

In an August conference on Venezuelan prison conditions, Justice Minister Guerra, who has been a strong proponent of judicial and penal reform, noted that the prison system was in need of "urgent" and "total reform." The nation's prisoners live in "subhuman conditions," according to the Minister. He was joined by Chief Public Prosecutor Escobar Salom in recognizing that prison conditions are exacerbated by serious overcrowding--28,643 prisoners are kept in institutions designed to hold 9,000. Sanitation and health care in prisons are inadequate, as is the diet unless supplemented by donations from friends and family. Discipline within prisons is widely considered to be inadequate, and violence by guards against the prisoners, and among the prisoners themselves, is said to be common. Official personnel involved in such violence are not known to be punished. Some sources argue that conditions in preliminary detention centers, not set up for extended incarcerations, are even worse, as they are often pressed into service as de facto prisons.

d. Arbitrary Arrest, Detention, or Exile

The right to judicial determination of the legality of detention is provided for by law. Arrested persons or persons under preventive detention legally can be held for up to 8 days without a formal detention order, during which time they may be held incommunicado. Arbitrary arrests and arrests with improper warrants are common, and the time limits for holding persons are frequently exceeded, usually because of inefficiencies in the legal system. A law increasing the power of judges to redress abuses by ordering the release of someone unjustly imprisoned aids in enforcing the 8-day limit within which an arrestee must be formally charged or set free. Even if a person is detained under a proper order, the time of detention pending trial often exceeds the amount of time the person would have been required to serve had he been found guilty. For several days following the start of the

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February riots, the Government used martial law authority to suspend the constitutional right which protects citizens from detention without charge.

Bail is permitted only for relatively minor crimes. Venezuela's bail laws have been under review by the Congress, and the Government hopes to increase the applicability of bail provisions, a step which would contribute to relieving overcrowded prisons. Bail is not available in cases involving allegations of government malfeasance.

With regard to forced or compulsory labor, see Section 6.C.

e. Denial of Fair Public Trial

The right to a fair trial is provided by law, and there exist a number of procedural safeguards. However, once formally charged, the burden of proof is on the accused to prove his or her innocence, and lengthy pretrial detention is the norm. The law provides public defenders for those unable to afford competent defense; however, the number of public defenders in the country (350) is insufficient to meet this obligation. In some cases, defendants who remain outside the country pending assignment of a court date (to avoid extended pretrial detention without bail) may not select their own attorneys; the court appoints an attorney in these cases.

According to the Ministry of Justice, fewer than 25 percent of all prisoners have been convicted. Judicial authorities attribute the backlog to an insufficient number of qualified judges, automatic review of all lower court decisions by higher courts unable to limit their dockets, and failure to enforce procedural deadlines at each stage of the legal process. Delays of 2 or 3 years in a normal case are not infrequent. The judicial process is almost exclusively a written one, requiring costly and time-consuming production of voluminous reports by judges, attorneys, and witnesses at every stage.

Some Venezuelan leaders and legal experts also attribute delays and other irregularities to corruption and the use of personal influence. The civilian judiciary is legally independent, but connections to the two major political parties are important in the judicial selection process. In September, the Public Prosecutor charged political parties with "interfering abusively in (public) institutions, even impeding the autonomy of the judiciary." To help prevent such political meddling, there is a five-member Judicial Council which is responsible for the nomination, training, and discipline of judges. One member is selected by Congress, one by the President, and three by the Supreme Court. A law passed in October 1988 reduced the membership of the Judicial Council to five from nine in an attempt to reduce political party influence on the selection process.

Civilians charged with armed subversion are tried by military courts as insurgents. There is no statutory time limit on the adjudication of cases in military courts, although persons convicted under the military justice system have the same right to appeal to the Supreme Court as those prosecuted under the civilian system. Military judges are appointed by the Supreme Court. There has been criticism of the preponderant referral to military courts (230 to 240 out of approximately 280 cases) of the legal cases brought against security agents for alleged abuses during the February riots. Besides the

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lack of deadlines in the military system, critics contend that the system's secrecy and tendency to close ranks make it unlikely that the defendants would undergo an impartial, complete prosecution.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution and law provide safeguards against arbitrary interference with privacy, family, home, or correspondence. These safeguards are largely honored in practice, although there is evidence that some wiretapping takes place. Most of the charges of invasion of privacy connected with a 1989 wiretap scandal came from politicians accusing opposing parties of spying and eavesdropping. A Supreme Court Justice was quoted by the press in June as saying the "violation of privacy has created a syndrome of national anxiety." He stated that he would undertake a study of Venezuelan law to ensure it incorporated sufficient safeguards against wiretapping. The proscription against government agents entering houses without a warrant was briefly suspended in the wake of the February riots.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press and free speech. These liberties, along with academic freedom, are almost universally honored, although the previous Government on one occasion restricted newsprint to a journal deemed to be "too free" in its investigations.

Venezuela has a free and lively press, which frequently criticizes the Government and denounces instances of government interference in the media. From February 28 through March 22, the Government rescinded a number of constitutional guarantees, including freedom of speech and of the press, because the media were allegedly reporting the disturbances in an inflammatory manner. While human rights sources report their press contacts exercised greater self-censorship after the guarantees were restored, journalists themselves say press freedom has generally increased under the new presidential administration. The media followed vigorously and with no apparent restraint the development of various government corruption cases, including the deliberations of the ruling party ethics tribunal which expelled and disciplined some leading party members during the latter part of the year.

Venezuela has 4 nationwide television networks, 2 of which are government owned, 3 regional television stations, 168 radio stations, and numerous newspapers and magazines, with 9 dailies in Caracas alone. The Government is a significant source of advertising revenue for the media, but there appear to be no recent instances where government advertising was channeled for political ends.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is normally respected in Venezuela, although it, along with several other constitutional guarantees, was suspended from February 28 through March 22, when a nighttime curfew was also enforced. Public meetings, including those of all political parties, are

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held without interference. Permits are required for public marches but are not denied for political reasons. Professional and academic associations operate without interference. Most have ties to political parties.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population is predominantly Roman Catholic, although other religious groups enjoy freedom of worship and proselytize actively. Foreign missionaries, both Catholic and Protestant, are active throughout the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents generally have freedom to travel within the country and to go abroad and return. Travel in the Amazon military zone is an exception and requires a special permit for security reasons. Venezuelans may emigrate if their tax obligations have been met. Citizenship can be renounced. Recovery of nationality requires a residence period of 2 years for Venezuelan-born repatriates. The Constitution provides for revocation of citizenship for naturalized citizens on specific, limited legal grounds.

Venezuela traditionally has been a haven for refugees, exiles, and displaced persons from many European, Caribbean, and Latin American countries. Refugees are given normal residence status and may be expelled only for criminal activities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is freely elected by secret ballot. Venezuela is a multiparty democracy, with mandatory suffrage for all those 18 years of age or older, and the political process is open to all. Elections for the President, Congress, and state legislative assemblies are held every 5 years. Over two dozen parties participated in the 1988 national presidential elections. Eleven parties are represented in the House of Deputies and 4 parties are represented in the Senate.

In December governors in 20 states and mayors in 269 municipalities were elected for the first time in Venezuelan history. This election was also the first to use a system allowing the voter to choose individual candidates by name, rather than selecting only among party slates. Critics contend that the method developed for counting the votes, which guarantees minority party participation, is unfair and denies citizens truly direct representation.

Political views are freely expressed, and persons from the entire political spectrum contend for positions ranging from municipal council seats to the presidency. Minor parties won 18 percent of the seats in the national legislature in 1988; some of these parties are outgrowths of former guerrilla organizations. The two largest parties are the centrist social democratic and social Christian parties. The Movement Towards Socialism party, founded by disenchanted members of the Venezuelan Communist Party, increased its share of the total vote to 10 percent in the congressional elections of 1988. Even some of the smaller parties provide mechanisms by

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which minority elements within their membership are guaranteed a voice in administrative and policymaking decisions to preclude their disenfranchisement.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Latin American Foundation for Human Rights and Social Development and the Federation of Families of Disappeared Persons have offices in Caracas, and human rights organizations are able to operate free of government restriction. Both Amnesty International and Americas Watch delegations visited in 1989 to investigate the February riots and the 1988 massacre at El Amparo.

The number of local human rights groups proliferated noticeably after February. Human rights groups do not suffer from government persecution and vigorously criticize perceived government inadequacies in redressing grievances.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence that economic and social needs and cultural aspirations are denied on a discriminatory basis to any portion of the population. The Constitution prohibits discrimination on the basis of sex and accords women and children "special protection" in the workplace. Women workers receive extensive maternity leave benefits, and laws limit their involuntary overtime.

The Venezuelan Government recognizes that violence against women, including domestic violence such as wife beating, is a problem. Due to inadequate statistical data, the true extent of such abuse is impossible to gauge. Victims frequently are reluctant to report cases or to press charges. The Ministry of the Family operates shelters for beaten women. In an effort to educate women about their rights, the Government distributes pamphlets, especially in poor neighborhoods, to alert residents to the illegal nature of domestic violence and their legal remedies. While Venezuelan authorities are sensitive to the problem, the ineffectiveness of Venezuelan justice offers little prospect of quick relief.

Restrictions on property rights based on sex, religion, or social status do not exist, but there are some restrictions on ownership of business property and employment based on nationality. For example, there is a wage/salary and headcount rule in the labor law which requires that 75 percent of all wages and salaries and 75 percent of the payroll employees be Venezuelan nationals. The Superintendency of Foreign Investment has interpreted foreign investment legislation to mean that "mixed" and "national" Venezuelan companies should have Venezuelan nationals as president.

Section 6 Worker Rights

a. The Right of Association

Both constitutional and labor law recognize and encourage unions' right to exist. There are no restrictions on this right in practice in either the public or private sectors (except for the armed forces). The Government's positive attitude toward unions reflects the prevailing political

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climate. Unions play a major role in the Venezuelan economy.

One major union confederation (the Venezuelan Confederation of Workers--CTV) and three small ones, as well as a number of independent unions, operate freely in Venezuela. About 25 percent of the national labor force is unionized, and the figure is about 44 percent in the urban formal sector. There are no restrictions on affiliation with international labor organizations; the CTV is an active participant in the International Confederation of Free Trade Unions (ICFTU). In 1989 it hosted a congress of the ICFTU's regional organization for Latin America.

The CTV's top leadership includes members of several political parties. The majority are affiliated with the country's largest party, Accion Democratica (AD) (the social democratic party), and AD and the CTV reciprocally influence each other. The CTV, however, has repeatedly demonstrated its independence from both the Government (in which AD holds the presidency and a plurality of the seats in Congress) and the parties. The clearest example of this independence is the CTV's frequent criticism of the Government's economic policies, culminating in the general strike of May 18.

The right of public and private sector employees to strike is recognized legally and upheld in practice. In recent years Venezuelan workers seldom resorted to use of the strike, but the decline in living standards during the year, as the Government introduced austerity measures, increased the popularity of this tactic. In 1989 the Government resorted to mandatory arbitration in the case of a strike by doctors against the Social Security Administration. The arbitration board awarded doctors a considerable increase over the previous contract, but less than they believed they had been promised. The award provoked considerable controversy among doctors, but most returned to work.

b. The Right to Organize and Bargain Collectively

The labor law specifically states that workers will be free from all "interferences, prohibitions, subordinations, and coercions" in the exercise of their rights to organize unions and elect officials. The same legislation states that it is the duty of unions to represent their members in negotiations for a collective contract, and it also protects employees who engage in union activities from reprisals by employers. Venezuelan law encourages collective bargaining, which is widely practiced. At the end of 1988, 39 percent of public and private sector employees were covered by collective contracts, including 36 percent in manufacturing, 61 percent in construction, 18 percent in commerce, and 42 percent in transportation.

Workers' legal rights are not restricted in free trade zones. Labor law is enforced by Ministry of Labor inspectors, tripartite (labor-management-government) commissions (which hear complaints regarding firings), and labor courts. Although parts of this system are overburdened and slow, overall it is regarded as effective in protecting workers' rights. In its 1989 report, the International Labor Organization's Committee of Experts repeated its earlier request to the Government to increase the severity of sanctions under the law for antiunion discrimination.

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c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Venezuela; unremunerated labor is prohibited by law.

d. Minimum Age for Employment of Children

Venezuelan law prohibits the following: the employment of children under age 14; a workday of more than 6 hours for 14- and 15-year olds; and night work or employment at hazardous tasks for those under age 18. This legislation is enforced in the formal sector of the economy but much less so in the informal sector. Worsening economic conditions are probably pushing more workers into the informal sector, including children.

e. Acceptable Conditions of Work

The minimum wage for new hires in the urban sector in September 1989 was about \$105 monthly, plus mandatory fringe benefits that vary with the workers' individual circumstances, but in general would increase wages by about one-third. Because of an across-the-board wage increase given to the urban private sector in March, the effective minimum wage for anyone hired before that time is about \$121 monthly plus benefits. The agricultural minimum wage is lower, approximately \$68 monthly. While wages increased significantly in 1989, a high rate of inflation, especially in basic items such as food and transportation, offset these gains. There is a consensus that workers' standards of living dropped faster in 1989 because subsidies were reduced as the Government's oil revenues fell.

By law, the workweek for blue-collar workers may not exceed 48 hours plus 2 hours' daily overtime or a maximum of 200 hours overtime per year. The maximum legal workweek for white-collar workers is 44 hours. Some unions, such as the petroleum workers, have negotiated a 40-hour week. Employees must be given a rest period of at least a half-hour after 5 hours of work. The law is generally observed with the exception of restrictions on overtime. Paid holidays and weekly rest days are also provided by law.

A health and safety law was passed in 1986, but its enforcement awaits the development of standards and issuance of implementing regulations. Opinions regarding the potential effectiveness of this law vary. Some businessmen regard the penal sanctions of this law for cases of negligence resulting in injury as too harsh, and some labor leaders believe that efforts to improve working conditions are proceeding too slowly. The Ministry of Labor prepared for the establishment of an Office of Occupational Health and Safety which is scheduled to open in 1990.

EAST ASIA AND THE PACIFIC

AUSTRALIA

Australia has a long history as a multiparty, parliamentary democracy operating within a federal system of government. Federal elections, last held in July 1987, must be held again no later than November 21, 1990.

Federal, state, and local police in Australia carry out their functions in accordance with civil law, which respects and safeguards individual human rights. The law is observed in practice.

Australia's developed economy, with important mining and agricultural sectors and growing manufacturing and service sectors, provides most Australians with a high per capita income. Furthermore, the Government provides assistance for the minority of relatively disadvantaged citizens. Individuals are free to hold private property, pursue their economic and personal interests, associate with others, and organize trade unions.

Fundamental human rights are assured by law and respected in practice in Australia. The Government's commitment to the promotion of, and respect for, human rights is firm, domestically and internationally. During 1989 protection of the rights of Australia's 200,000 Aboriginals, the most economically and socially disadvantaged minority in the country, continued to receive significant government and public attention. Also in 1989, a Royal Commission continued investigation of deaths of Aboriginals in police custody, a precedent-setting federal-state agreement resolved a long-running land rights dispute, and a national council system to give Aboriginal communities a more direct voice in federal government neared enactment. Women's rights continued to receive attention under the Federal Government's national agenda for women, which includes a nationwide campaign to reduce domestic violence.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Killing for political motives by the Government or by political organizations does not occur.

b. Disappearance

There have been no instances of political disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Australian law prohibits all these practices, and this prohibition is generally respected. However, concerns over deaths in custody of Aboriginals continue to be addressed by the Government.

d. Arbitrary Arrest, Detention, or Exile

Australian law prohibits arbitrary arrest and imprisonment. This prohibition is respected in practice.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

Australian law provides for the right to a fair public trial before an independent judiciary. Defendants have full due process rights including a presumption of innocence, an unimpeded right of counsel (at public expense for indigents), a right to confront witnesses, and a right to appeal. These rights are respected in practice.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Australian law and in practice, no search may be conducted without a judicial warrant. The Government does not interfere with the privacy of family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The democratic political system, an effective judiciary, and diverse and independent news media combine to ensure freedom of speech and press and full academic freedom.

b. Freedom of Peaceful Assembly and Association

Although Australia does not have a bill of rights, it is a party to the International Covenant on Civil and Political Rights, which provides for freedom of assembly and expression. These freedoms are respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Australians have complete freedom of religion. A provision in the Constitution precludes the adoption of an official state religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Australia imposes no restrictions on movement within or outside of the country. The rights of emigration and repatriation are also protected.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Australians elect representatives to a two-chamber Federal Parliament as well as to numerous state and local bodies through free and open elections. Candidates are drawn from three major parties and a number of minor parties. Voting, by secret ballot, is compulsory in general elections for Australians 18 years of age and older; eligible voters who do not vote may be fined. Elections are held at varying intervals as prescribed by federal, state, and local laws.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

As a matter of policy, the Government responds to any communication from the United Nations alleging violations of

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human rights in Australia. The Government also permits unimpeded access to all international and nongovernmental groups investigating alleged human rights violations.

On the international level, Australia actively promotes human rights as a member of the U.N. Working Group on Indigenous Populations and in other forums.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By law, Australians have equal access to government services without reference to race, sex, religion, language, or social status. Basic food, shelter, health care, education, and social security benefits are guaranteed for all. The Racial Discrimination Act of 1975 prohibits discrimination on grounds of race, color, descent, or national or ethnic origin.

A national multicultural agenda, announced by the Federal Government in July 1989, launched a 3-year education campaign to improve intercultural understanding and committed the Government to additional federal legislation if existing state laws were found to address inadequately the concerns of ethnic and racial groups. The following month, the Federal Human Rights and Equal Opportunity Commission began a special review of the causes of racial unrest and incidents of alleged "racist violence". However, Aboriginal groups and others claim that Aboriginals, who comprise about 1.25 percent of the nation's population, suffer widespread discrimination. The Government acknowledges that the Aboriginal population is the most disadvantaged group in terms of education, housing, health, and employment. In addition to the broad range of programs available to all Australians, the Government provides services specifically aimed at improving Aboriginal socioeconomic conditions.

A Royal Commission created in 1987 to investigate Aboriginal deaths in police custody continued to review cases and take testimony in 1989. The Commission's mandate was extended until December 1990, but its findings will be based primarily on an examination of the over 100 deaths in custody which occurred between January 1, 1980 and May 31, 1989. Interim social, legal, and law enforcement reforms recommended by the Commission were endorsed by national police officials and Aboriginal leaders in February 1989. Although many of these reforms were implemented by state and local governments, deaths in custody continued.

An agreement reached by the Federal and the Northern Territory Governments in September 1989 recognized a limited number of Aboriginal groups' land claims in exchange for their acceptance of a land rights appeals process through the Northern Territory court system. The agreement gave the 3,000 to 5,000 Aboriginal squatters in the disputed areas legal status and allowed them to qualify for federally funded community services.

The Federal Senate took up consideration of a controversial plan to replace the Federal Department of Aboriginal Affairs with the Aboriginal and Torres Straits Islander Commission (ATSIC), comprised of commissioners elected from the Aboriginal councils around the country. Supporters of the ATSIC maintain that it would give Aboriginals a greater voice in issues affecting them. The Federal Government is publicly

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committed to a more formal delineation of Aboriginal rights than currently exists.

Government at all levels and the Australian public place considerable emphasis on women's issues, including violence against women. There is growing concern about domestic violence, the victims of which are mostly female. It is difficult to measure the extent of domestic violence due to the lack of reliable statistics and the reluctance of victims to report incidents. However, a widely quoted April 1989 study by the Australian Institute of Criminology estimated that between 1 in 3 and 1 in 10 families, from all socioeconomic backgrounds, may be affected.

In response to public concerns, the Government began a 3-year national domestic violence education campaign in 1987 which included a nationwide awareness month in 1989. In coordination with women's rights groups, law enforcement authorities, and state and local governments, the campaign has led to victim protection legislation, improved police training and tactics, and increased sensitivity to domestic violence on the part of community service agencies. Women's and legal rights groups generally agree that these efforts have raised community awareness, but that additional governmental resources are needed to reduce the incidence of domestic violence.

The Sex Discrimination Act of 1984 prohibits discrimination on the basis of sex, marital status, or pregnancy. In 1986 the Government passed affirmative action legislation obliging employers to provide equal employment and promotion opportunities for women employees. Women's rights and welfare are promoted by a number of women's rights groups and the Federal Government's Office of the Status of Women.

Section 6 Worker Rights

a. The Right of Association

Australian law and practice provide workers with full freedom to establish and join trade unions, choose their union representatives, and formulate union programs. These rights of association include the right of Australian unions to associate directly with their counterparts in other nations and to participate in international labor organizations. Unions represent about 40 percent of the work force and are extremely active and influential. Australian workers enjoy the right to strike, which is well established in practice. However, a 1989 ruling of the Victoria Supreme Court declaring the airline pilots union liable for damages arising from the pilots' dispute with the airlines underscored that the right to strike is not protected under domestic law.

b. The Right to Organize and Bargain Collectively

Australian workers are granted the right, by law and in practice, to organize and bargain collectively and to be represented in negotiating the prevention and settlement of disputes with employers. A pattern of centralized wage negotiations with quasi-judicial arbitration and settlement, as opposed to company-by-company collective bargaining, has generally prevailed since the establishment of the Commonwealth Conciliation and Arbitration Commission in 1904. The Industrial Relations Act of 1988 made important technical changes in the basic system, creating a new Industrial

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Relations Commission with expanded scope for performing essentially the same tasks as its predecessor.

Industrial disputes are arbitrated by a system of federal and state industrial courts in which trade unions receive a full and fair hearing. The rights of trade union officials are fully protected in both law and practice.

Federal labor law and practice are uniform throughout the country. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Australia has ratified and fully respects International Labor Organization (ILO) Convention 105 concerning forced labor.

d. Minimum Age for Employment of Children

Australia has ratified and fully respects the following ILO conventions concerning minimum age for employment: Convention 7 (minimum age); Convention 10 (minimum age for agricultural workers); Convention 15 (minimum age for trimmers and stokers); Convention 112 (minimum age for fishermen); and Convention 123 (minimum age for underground workers). In addition, federal and state ministries of labor monitor and enforce a network of legislation (which often varies from state to state) governing such interactive factors as minimum school-leaving age, minimum age to claim unemployment benefits, and minimum age to engage in specified occupations.

e. Acceptable Conditions of Work

Australia has long had a tradition that workers should be guaranteed a decent standard of living. Although Australia has a formal federal minimum wage of \$156 per week, the federal minimum wage is rarely, if ever, used. Instead, different minimum wage rates for individual trades and professions are embodied in a comprehensive system of "awards" sanctioned by various state and federal commissions. The lowest current award of \$217 per week is for clothing workers. Combined with other regularly provided benefits and government entitlements for low-income families, this wage provides a decent standard of living.

In addition, a body of regulations and commission decisions prescribes the 40-hour (often 38-hour) week, paid vacations and sick leave, and health and safety standards in the workplace, as well as other benefits for the overwhelming majority of Australian workers. Compliance with these and other regulations, such as minimum age of employment, is actively monitored and enforced by federal and state ministries of labor.

BRUNEI

Brunei is a small, wealthy, Islamic monarchy located on the north coast of Borneo. It is predominantly Malay in population, although there are substantial Chinese and other minorities. Brunei is a hereditary and traditional Sultanate that has been ruled by the same family for over 500 years. A British protectorate until January 1, 1984, it has been internally self-governing since 1959.

The Constitution promulgated in 1959 provided for the first sharing of political power by the Sultan with an advisory Council of Ministers. The Constitution, however, permits the Sultan to override the decisions of legislative and executive bodies in most instances. In elections for a legislative council in 1962, a party opposed to policies of the Sultan won a large majority; tensions over policy differences led to an armed uprising in December 1962 that was put down by British troops. The Sultan then invoked an article in the Constitution that allowed him to assume emergency powers for 2 years. This state of emergency has been renewed every 2 years and is still in force. Several persons detained under emergency powers following the 1962 uprising remain in custody without trial. Although the Constitution is not suspended, the state of emergency allows the Sultan great latitude in ruling by orders. These orders have in effect suspended certain articles of the Constitution.

The activities of the Royal Armed Forces are devoted to protecting the country against external threat and they are not involved in maintaining internal security. The police force is firmly under the control of the civil authorities, and there is no evidence that it resorts to extralegal measures in the discharge of its duties.

Since 1962 there have been no disturbances or agitation in Brunei. Economic factors have much to do with the general sense of well-being. Brunei has only about 240,000 people, but produces about 150,000 barrels of oil per day and slightly over 5 million tons of liquefied natural gas per year. It has one of the highest per capita gross national products in the world. Brunei has no debts, and the nation's financial reserves are commonly estimated at between \$20 and \$30 billion. Petroleum revenues and interest on invested reserves allow the Government to provide free medical care, schools, and university training to its citizens. A large proportion of the Malay population is employed by the Government at generous salaries which permit a higher standard of living than in surrounding countries. Government employees are eligible for low-interest or no-interest loans to purchase homes, automobiles, and appliances. The nation's second largest employer, Brunei Shell, provides similar benefits to its employees. Brunei has no income tax. There are several substantial, low-cost housing plans designed to provide homes for the landless. There is a chronic shortage of labor throughout the economy, which helps to keep employee wage and benefit packages high and makes it relatively easy for women to find work in traditionally male occupations.

There were no major human rights developments during the year; human rights remain restricted with regard to arbitrary detention, freedoms of speech, press, and association, and the right of citizens to change the government.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In late 1988 whipping became mandatory as punishment for certain offenses, including rape, assault, extortion, robbery, theft, vandalism, and drug-related crimes. Since then, occasional sentences of whipping have in fact been handed down and carried out. Previously, the penal code allowed for whipping, but in practice this punishment was rarely administered. There was no other evidence of torture or cruel, inhuman, or degrading treatment or punishment.

d. Arbitrary Arrest, Detention, or Exile

The Constitution has no provision for habeas corpus. The right exists, however, as the Application of Laws Act states that the Law of England (1951) applies except where Brunei has passed its own law. Under normal circumstances, a magistrate must "endorse" a warrant for arrest. On rare occasions, warrants are issued without this endorsement.

The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. Since the abortive rebellion in 1962, the Government has occasionally used the ISA to detain persons suspected of antigovernment activity.

The Government acknowledges that five former members of the Brunei People's Party (BPP) have been in detention under the ISA since 1962 when that party was banned for its role in the abortive uprising. Amnesty International (AI) has said it believes the five BPP members are being held not for any role in the 1962 rebellion, but as a general deterrent to political activity. Two former leaders of the Brunei National Democratic Party (BNDP) have also been in detention under the ISA since February 1988, when that party was dissolved by the Government. None of these detainees have been tried or convicted of any crime.

In previous years the Government had announced the release of some ISA detainees around the time of the Sultan's birthday on July 15. None were announced in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The legal system in Brunei is derived from the British system. Those suspected of common crimes are detained, tried, and punished according to the law. Lacking a senior judiciary of its own, the Brunei High Court has for its Chief Justice a

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judge seconded from Hong Kong. There were no known instances of interference with the judiciary by the Government in 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Government is empowered by law to intrude into the privacy of individual persons, families, or homes, in practice it has not been known to do so.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedoms of speech and press, though not restricted by law, are not generally exercised. There is no political opposition, and hence there have been no challenges which might have tested the degree of government tolerance of political criticism.

Brunei's only television station is government owned (two Malaysian stations can also be received). It usually avoids controversial issues, as do newscasts on the radio stations.

The single independent weekly newspaper generally avoids controversial issues. A second weekly newspaper is published by the Government.

b. Freedom of Peaceful Assembly and Association

Freedom to assemble for political purposes has not been seriously tested in recent years. In 1985 the Government allowed establishment of the Brunei National Democratic Party (BNDP), the first political party since party activity was prohibited in 1967. Just before its first public meeting, the Government announced that government employees could not attend party meetings, become members of political parties, or otherwise engage in organized political debate. In February 1988, the Government dissolved the BNDP and detained two of its leaders, charging that the party's contacts with the International Democratic Union were in violation of the Societies Act.

In 1986 the Government approved the establishment of a second political party, the Brunei National United Party (BNUP); however, the organizers never announced its formation, and nothing further has been heard of it. The Government requires the registration of private economic, recreational, or other organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the official state religion, but the Constitution provides for freedom of worship for other religions. There are several Christian churches in the country. There are also missionary schools in Brunei.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement in the country for citizens, permanent residents, and expatriates. Some restrictions on travel abroad are placed on certain expatriates as part of contract obligations to the Government. Travel to Communist nations is restricted, and travel to China by Brunei's ethnic Chinese citizens and ethnic Chinese residents is tightly controlled. Brunei has not been willing to accept refugees. In September 1989, a boat with approximately 40 refugees from Vietnam was found in Brunei waters. The refugees were given food, water, and medical attention for about a week while their boat was being repaired, at which time they were given provisions and required to depart.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is no way in which citizens can change their government through established democratic processes. Under the continuing state of emergency, there are no representative bodies at the national or local level and, since the dissolution of the BNDP in 1988, no known functioning political parties. However, citizens may seek to influence government by working through appointed village headmen and district officers, who meet regularly with their constituents. They may also attempt to effect change by petitioning the Sultan directly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no government or private organizations in Brunei which deal specifically with the protection of human rights. AI reports it has on several occasions appealed to the Sultan for the release of a number of political prisoners, some held for many years without trial, but has received no reply. In 1988 the Government appeared before the United Nations Human Rights Commission to answer AI allegations of human rights violations relating to ISA detentions. The Government acknowledged the detentions, but maintained that they are justified in the interest of national security.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. While there are no separate pay scales for women and men, women in the work force traditionally have been concentrated in lower paying clerical and secretarial jobs, and have been less likely to find positions offering rapid advancement. In recent years, however, employment opportunities for women have greatly improved throughout the economy, largely because of a chronic labor shortage. A growing number of women hold senior level professional positions, and the number of female university graduates is also increasing. Religious authorities strongly encourage Brunei Muslim women to wear the tudong, a traditional head covering, and a growing number do so. There is no pressure on non-Muslim women to wear the tudong, and few, if any, choose to wear it.

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The incidence of domestic violence against women is extremely low. Because of the close-knit nature of Bruneian society, this kind of behavior would be difficult if not impossible to conceal, and would not be tolerated. The criminal penalty for a minor domestic assault would be 1 to 2 weeks in jail and a fine. An assault resulting in serious injury, such as broken bones, would be punished by whipping and a longer jail sentence. Rape cases are similarly rare.

The majority of the substantial Chinese minority in Brunei are not citizens (those having no claims to other nationalities were "British-protected persons" prior to independence and are now either stateless permanent or temporary residents). Permanent residents cannot own land but usually resolve this problem through 7-year leases, the maximum amount of time for lease agreements in Brunei. The process of obtaining citizenship in Brunei is long and difficult. In general, the Chinese community has prospered in Brunei, and much of the country's commercial activity is in Chinese hands. While the Chinese have done well economically, many are now reevaluating their position in Brunei, especially the prospects of their children in a society in which Malay citizens are favored in such areas as government employment. Some are emigrating to other nations, especially Australia and Canada.

Section 6 Worker Rights

a. The Right of Association

Trade unions are legal in Brunei but must be registered with the Government. Signatures of seven members are required for registration. There are four registered trade unions, with a total membership amounting to less than 5 percent of the work force. The Trade Unions Act of 1962 permits the formation of trade union federations in Brunei, but forbids affiliation of Brunei trade unions with labor organizations outside Brunei. Brunei is not a member of the International Labor Organization. An individual contract is required between an employer and each employee, but trade union activities are not illegal and cannot be deemed to violate employee contracts. Local legal experts interpret this provision as conferring the right to strike. However, there have been no strikes in recent memory.

b. The Right to Organize and Bargain Collectively

There is no government interference with lawful union activity. It is illegal to refuse employment or discriminate against an employee for being or not being a member of a trade union. While unions are legal and easy to register, conditions in Brunei are not conducive to the development of trade unions. Wage and benefit packages far exceed those of neighboring nations; there is a lack of those kinds of industries in which unions have traditionally developed; and there is a long cultural tradition of trying to achieve consensus rather than cause confrontation. As a result, collective bargaining is limited to only a few industries.

There are no export-processing zones in Brunei.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited and it is not practiced.

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d. Minimum Age for Employment of Children

Employment of children below the age of 16 is prohibited, and below the age of 18 requires parental consent and approval by the Labor Commission. Women under 18 may not work at night or on offshore oil platforms. Laws on employment of children are effectively enforced.

e. Acceptable Conditions of Work

Labor is in short supply, and market forces allow most citizens of Brunei to command high wages. The minimum wage in Brunei is approximately \$11.35 per day for citizens and permanent residents, and approximately \$9.80 per day for foreigners. There is no special minimum wage for any particular industry. Overtime must be paid for work in excess of 48 hours, and double time must be paid for work performed on legal holidays. Working conditions are subject to inspection by the Labor Commission on a routine basis and in response to complaints. Brunei's labor regulations are effectively enforced by the Labor Department, which is empowered to close any place of employment in which health, safety, or working conditions are unsatisfactory.

BURMA

Burma's military leaders seized power in September 1988 and lethally suppressed sustained, countrywide, prodemocracy demonstrations. The 1988 popular uprising, unprecedented in Burma's history, had ended the long rule of the Burma Socialist Program Party (BSPP), under now-retired chairman Ne Win who had drawn the nation into isolation and allowed it to decline economically. The September 1988 military takeover restored Ne Win's 26-year dictatorship by placing in power a group of senior military officers subservient to Ne Win and other top officials of the previous government. These men form the current ruling body--the 19-member State Law and Order Restoration Council (SLORC).

The SLORC has repeatedly assured the populace and the international community that its stay in power is temporary and that it will hold multiparty elections in May 1990. It established an election commission and provided for the registration of political parties, which reached as many as 233 during 1989. In practice, the military leadership has maintained absolute control, keeping a heavy military presence in Rangoon and other urban areas, enforcing martial law, including a 10 p.m. to 4 a.m. curfew, imposing extensive surveillance on government employees and private citizens, and launching an aggressive propaganda campaign in the government-controlled media which inaccurately portrayed the events of 1988. It also attempted to blame Burma's political and economic instability on elements of the right and left, as well as foreign governments and news organizations. Early in the year, it tried to hinder opposition campaign efforts through intimidation, and eliminated much of the opposition through wide-scale arrests of the most popular party leaders and other political activists.

Burma has fought various insurgencies since 1948. Some of the ethnically based insurgents have fought for a measure of autonomy, if no longer for outright independence, against perceived domination by the Burmans, the majority ethnic group. In recent years most insurgent groups, financed primarily through narcotics production and trafficking, have engaged only in small-scale fighting in areas on Burma's borders. The Government has used their continued existence to justify in part continued authoritarian rule, including the operation of an extensive security apparatus. During 1989, the Government sought accommodation with several insurgent/narcotic trafficking groups, to gain short-term advantages vis-a-vis other dissident groups, to reinforce a split in the Burma Communist Party, and to secure areas for teak and logging concessions.

Over the last 27 years, Ne Win's "Road to Socialism" reduced what was once the richest country in Southeast Asia to one designated by the United Nations as a "least developed" country. The military leaders promised a new open-door economic policy and passed a law to permit foreign investment but did not develop an economic strategy. The leadership, which lacked economic training or expertise, failed to address past mistakes--highly centralized decisionmaking, a vastly overvalued currency, uncontrolled monetary expansion, and an ineffective banking system--and made a bad economy worse.

Burma's dismal human rights situation deteriorated even further in 1989. Government control over the population and interference in individual lives significantly increased, as

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did credible reports of torture, wide-scale arbitrary arrests, disappearances, and compulsory labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Although instances of government-instigated political killings were fewer in 1989 than 1988 (after the widespread shootings of demonstrators in 1988), there is substantial credible evidence of an undetermined number of civilian deaths at the hands of military government officials or individual soldiers throughout the year. The Government repeatedly denied these charges and, despite international criticism, made no apparent effort to investigate or to bring perpetrators to justice.

In January numerous reports surfaced that some students who fled after the September takeover were killed after returning to their homes. These reports strongly indicated that a number of returned students died after having been mistreated while in government custody, and that the authorities routinely informed the dead students' parents that their children had died of disease. There were also credible reports that throughout the year some political prisoners died in jail as a result of torture or other mistreatment at the hands of the authorities.

Eyewitnesses reported seeing deaths of men impressed as Burmese army porters after they were forced to walk ahead of troops through mine-infested terrain; deaths from gangrene after troops abandoned injured porters; overlaid porters falling to their deaths from mountain paths; and ill-fed, inadequately clothed porters dying of disease. Amnesty International (AI) reported in August an eyewitness account of a soldier shooting a porter who could no longer walk. In that same report, AI also cited allegations of the killings of other porters, including members of ethnic minorities, and stated that their sources repeatedly accused the Burma Army 33rd Light Infantry Division of unlawful killings.

In some instances, soldiers reportedly committed murder and the crimes were then officially covered up. While it was not possible to confirm these reports, they are plausible and highly detailed, containing names of victims and perpetrators, addresses, military ranks, and sometimes regiment or division and military identification numbers, as well as date, time, and place of killing. Methods of killing reported included stabbing, bayoneting, and shooting. The victims' ages ranged from 13 to young adult.

There were unconfirmed reports of summary executions by soldiers in the field. In one case, opposition leader Aung San Suu Kyi charged during a June press conference that eight students had been shot near a jade mine in Mohnyin township, Kachin State, by soldiers who reportedly made an effort to separate and kill students from among nonstudent youths present. AI also expressed concern about several reports of executions of students by soldiers in remote areas near the Thai/Burma border.

As in past years, for security reasons, Burmese authorities did not allow diplomatic observers to travel to areas of heavy

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insurgent activity. Therefore, it was not possible for them to gather directly information about alleged human rights practices by the Government or by the insurgents in these areas. Government-controlled media continued to cite numerous examples of insurgent-generated violence that resulted in civilian deaths, and AI cited reports that insurgent forces had fired on civilian areas.

b. Disappearance

It is impossible to estimate with any accuracy the number of persons who disappeared and remained unaccounted for during the year. Families and friends of many who disappeared assumed the persons were under detention or died in jail, whether this was the case or not (see Section 1.d.). Others may have been impressed to serve as army porters. Some persons who disappeared may in fact be among the estimated 2,000 to 3,000 students hiding in the Thai/Burma border areas and the 200 to 300 who have crossed into Thailand. During periods of mass arrests--March-April, July-September--some persons disappeared but were later found to have been detained. Some of these were subsequently released.

Burmese authorities are reluctant to respond to diplomatic inquiries as to the whereabouts of Burmese and resident foreigners, mostly South Asians, who have been jailed or disappeared, and, if they reply, limit comments to general statements that individuals were arrested for violations of existing laws.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Diplomatic observers in Rangoon had a considerable body of credible evidence--including eyewitness accounts--that torture, beatings, and mistreatment of political detainees were commonplace.

Instances of torture and mistreatment appeared more numerous in 1989 than previously, but this may have been due to increased reporting; most of the victims and their families and friends were educated and had greater access to foreigners. Physical and mental torture included beatings that caused permanent damage; sleep and food deprivation; cigarette burns; electrical shocks to the genitals and elsewhere; and interrogations while the detainee was forced to stand in water or to assume painful, unnatural positions for long periods of time, (e.g., the "airplane" or "motorcycle" postures which forced victims into a half-sitting stance with arms outstretched; they were beaten if they collapsed). Sometimes detainees were falsely told that family members had died or were in trouble.

Despite public and private expressions of concern by foreign governments and international human rights organizations over charges of torture, the Government repeatedly denied that it practiced or condoned torture and made no apparent efforts to investigate the charges. In at least some cases, victims were forced to sign a document stating that they had not been tortured.

d. Arbitrary Arrest, Detention, or Exile

The Government arbitrarily arrested or detained several thousand persons during 1989. A government spokesman stated

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on September 8 that "only" 811 persons, including 170 students, had been detained since the military takeover and denied that it had arrested anyone for political beliefs. However, the Government has asserted that it is a crime to criticize the Government and its leaders; many have been detained for this reason.

While exact numbers are unknown, a conservative estimate of politically motivated arrests during 1989 would be at least 4,000. Many persons were arrested on ostensibly criminal charges. For example, a prominent political figure and a student leader, both members of the leading opposition party, were arrested and sentenced to 3 and 10 years respectively for alleged involvement in an abortion case, even though Burma's abortion law is rarely enforced. Many others were accused of "violating law and order." Regardless of the charges, most of the estimated 4,000 persons arrested were either active members of opposition political parties, persons involved in peaceful antigovernment demonstrations or pamphleteering, or students who returned home after having fled to Thailand or the border area after the military repression in September 1988. In a September 1989 report, AI expressed continuing concern about 3 students said to have been forcibly repatriated from Thailand and arrested January 7 by Burmese authorities, and about 22 returned students reportedly detained January 10 and held incommunicado since then.

In the period from July 23 to August 12, the Government released 18,752 prisoners from jails and prisons throughout the country. All of these prisoners had been arrested prior to the September 1988 takeover and most had been charged with nonpolitical crimes. It was widely believed but unconfirmed that the Government released them to make room for the large numbers of persons arrested for political reasons from July to September.

Although arrests continued throughout 1989, there were several distinct periods during which larger numbers than usual were detained. Of the estimated 4,000 to 6,000 students who fled to Thailand and the border following the military takeover, an unknown number returned or tried to return to their homes; many of these were taken into custody despite government guarantees of their safety.

In March and April, authorities detained at least several hundred political activists in Rangoon and Mandalay; by the first of May, many of the best known leaders in Burma's student opposition were in jail.

On July 20 the Government placed Burma's most popular opposition figure, Aung San Suu Kyi, and her colleague, Tin Oo, under house arrest where they have been held incommunicado. Their detentions were followed by the largest wave of arrests to date as authorities rounded up most of the leadership of many of the country's major opposition groups.

Even before the establishment of military tribunals on July 18 (see Section 1.e.), there was no provision in Burmese law for a person in detention to seek a judicial determination of the legality of his detention. Previously, in serious cases involving national security, some persons were not formally charged but instead were held under an antisubversion act in indefinite detention without trial. In less serious political and security cases, detention under the act was nominally limited to 180 days. According to Burmese law, those

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designated "dangerous and destructive elements" can be placed under house arrest without formal charges for up to 1 year, as was the case with opposition leaders Aung San Suu Kyi and Tin Oo. However, under martial law and the military tribunals, anyone violating martial law orders is subject to summary justice. Individuals have no pretrial rights under martial law, particularly since the establishment of the military tribunals. The accused has no right to a defense lawyer, although in at least some cases military authorities allowed the presence of defense attorneys. There is no bail, although some defendants gain release by bribing officials.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Burma was under martial law throughout 1989. On July 18, the Government invested regional military commanders with summary judicial powers and gave them discretion to try offenders either by courts formed under existing law or by military tribunals. However, military tribunals have exclusive jurisdiction over cases concerning defiance of orders issued by the ruling State Law and Order Restoration Council (SLORC) or regional military commanders, and can mete out the death sentence, life imprisonment, or at least 3 years' imprisonment with labor regardless of existing law. The tribunals also can reject or summon witnesses. Trials are public only at the township level, and never under the military tribunals. Under Burmese law, attorneys are not provided at public expense, and the accused is not presumed to be innocent.

In practice, military tribunals tried virtually all offenses --criminal or political--committed after the tribunals were established, although civilian judges continued to hear some earlier cases. On October 19, a military tribunal sentenced to death an interpreter for a French journalist who allegedly had helped the journalist film a beheading in 1988. During trials, court officials must submit daily reports for military review. Although reports were also given to the attorney general, military authorities had the final say. The accused were not guaranteed the right to a defense attorney. When allowed to participate in a trial, a defense attorney's role was severely limited. Lawyers were warned that an overly aggressive defense jeopardized both client and lawyer. In numerous cases, the tribunal refused to admit witnesses or evidence central to the defense. Military tribunals imposed heavy sentences on political prisoners. For example, a writer was sentenced to 20 years with labor for allegedly exhorting navy personnel to join in the 1988 prodemocracy demonstrations, and a lawyer was given 14 years' labor for providing "false" news to the British Broadcasting Corporation. Appeal is theoretically possible, subject to certain conditions: appeal of a sentence to 3 years' imprisonment must be submitted to the regional commander within 30 days; in cases involving the death sentence, life imprisonment, or sentences over 3 years, appeals must be made to the army commander-in-chief within 30 days. The army commander-in-chief was designated final arbiter on all tribunal decisions and sentences. In practice, military authorities have been known to hamper the appeal process by refusing to cooperate with and attempting to intimidate attorneys.

It is impossible accurately to estimate the number of political prisoners held at any one time. However, separate

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reliable sources reported about 6,000 prisoners, including 2,000 students in Insein jail in April and about 2,000 political prisoners in Insein in September. It appears there were at least 4,000 politically motivated arrests during the year, many of which involved ostensibly criminal charges. The Government denies holding any political prisoners (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

In 1989 the State intruded extensively into the lives of private citizens. Under martial law, forced entry and warrantless searches of private homes and other premises were commonplace and were often conducted without warning. The Government strictly monitored the travel and whereabouts of many individuals. A well-developed system of neighborhood informers reported on dissidents and criticism of the Government. Most people believed that security personnel monitored private correspondence and telephone calls.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The Burmese army has fought various insurgencies for the past four decades. These conflicts apparently have resulted in numerous transgressions on all sides, such as the mistreatment or killing of prisoners, neglect of the sick and wounded, impressment of civilians for porter duty, and indiscriminate attacks on civilian areas. Insurgents and the Government have repeatedly accused each other of human rights violations. In August, AI expressed concern over allegations of ill-treatment and unlawful killing by the Burma army in insurgent areas. AI also stated that several insurgent groups continued to attack civilian targets.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Already severely restricted, freedom of speech and press in Burma became virtually nonexistent in 1989. Imposition of martial law overrode even nominal constitutional provisions for freedom of expression. Although the Government permitted the registration of political parties, in practice opposing views and criticism of the Government were not tolerated. After popular opposition figure Aung San Suu Kyi publicly criticized the current leadership as well as former leader Ne Win, she was placed under house arrest, as was the chairman of her party, the National League for Democracy. Thousands of other political activists were also detained after peaceably expressing antigovernment views (see Section 1.d). Government workers were instructed not to discuss politics in their offices at the risk of losing their jobs. They were not allowed to join or support political parties and had to sign statements promising they would not participate in political activities. Even private citizens became reluctant to express opinions out of fear of government-paid informers.

As government employees, teachers and college professors are subject to the same restrictions on freedom of speech, political activities, and publications, and fear of reprisal as other civil servants. Content of lessons and lectures is severely circumscribed.

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As in the past, the Government runs and operates the mass media, including television, radio, and the sole national newspaper, The Working People's Daily. Newspaper editors are appointed by the Government and editorials must be approved in advance. Journalists are subject to strict publishing and broadcast guidelines, especially on domestic matters. Even international news is subject to prior review and selection. All forms of communication--domestic and imported books and periodicals, stage plays, motion pictures, and musical recordings--are subject to government control and censorship. Criticism of the Government, government officials, or sectors of the economy controlled or partially controlled by the Government is not permitted in the press. On May 26 the Government announced a stricter enforcement of the 1962 Printers and Publishers Registration Law expressly to prohibit political parties from releasing documents not previously cleared by the Government. Also in 1989, the Government imposed stricter regulations over video and audio cassette rentals and for a period of time closed down all video and cassette rental shops.

b. Freedom of Peaceful Assembly and Association

The right of assembly exists only for those organizations permitted by law and duly registered with the Government. In practice, however, even the activities of these organizations are severely restricted. The martial law edict decreeing that people are not allowed to gather in groups of more than five was unevenly enforced. Assembly within the premises of political parties has been limited to 50 persons. In fact, however, some party members in groups of less than 50 have been arrested on their premises for "violating law and order." For a time, people were allowed to congregate at government-sanctioned rock concerts, and in June and early July authorities did not interfere with increasingly large crowds that gathered to hear opposition leader Aung San Suu Kyi. In mid-July troops beat with bamboo sticks or arrested peaceful demonstrators for violating martial law regulations.

Trade associations and professional bodies, like other organizations in Burma, are permitted only if sanctioned by the Government. Their activities are strictly monitored and their members are not free to discuss politics or express criticism of the Government.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Burma is a secular state dominated by the Burman ethnic group. Freedom of religion is provided for in the Constitution and, even under martial law, is widely observed in practice. The great majority of Burmese are Buddhist, although there are sizable Christian, Muslim, and animist minorities based principally in various minority ethnic groups.

While minority religious groups are allowed to practice freely, security services monitor the activities of some religious communities closely. Some persons of mixed Burman and ethnic minority ancestry have been known to convert to Buddhism as a way of strengthening their claim to be considered ethnic Burmans.

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There is considerable social prejudice against Muslims in Burma. Occasionally this erupts in violence and has led to government action infringing on the practice of Islam. Religious groups can and do maintain links with coreligionists in other countries, including the Catholic Church, which maintains ties to the Vatican. Foreign religious representatives are usually allowed only tourist visas and are not permitted to preach, proselytize, or remain to carry out missionary work. There is at least one long-time resident foreign Catholic priest (Italian) in Burma.

All religious organizations are required to register with the Government. Religious publications are subject to the same governmental control and censorship as other publications. On occasion, the Government has used a nationalization law to take control of the property of religious organizations.

The Government in recent years promulgated two directives that limit the right of assembly and association of Buddhist monks. Acting through the government-controlled hierarchy of the monkhood (Sangha), the State has prohibited monks from attending various forms of public entertainment. While this ostensibly has been done, in part, to maintain the moral purity of the Sangha, it is also aimed at curbing the political activities of monks, one of the most influential groups in Burmese society and one which has been heavily involved in the 1988 antigovernment protests.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Burmese citizens have the right to live anywhere in the country. Except for limitations in areas of insurgent activity, Burmese citizens can travel freely within the country but must inform local authorities of their temporary place of residence, a restriction greatly tightened under martial law. In 1989 people who failed to report either guests or intentions to stay overnight to the authorities were subject to a jail term and arrests sometimes were made. Noncitizen residents, including persons born in Burma who hold foreigners' registration cards, must obtain prior permission to travel. Legal requirements, bureaucratic procedures, and corruption cause long delays in obtaining passports. Severe limits are placed on what emigrants are allowed to take with them.

Burmese citizens who left the country legally are generally allowed to return to visit relatives. However, Burma does not recognize dual citizenship; acquiring citizenship in another country results in the loss of Burmese citizenship. With few exceptions, those who take citizenship in another country are banned from returning to Burma. Emigrants wishing to return permanently are required to reapply for Burmese citizenship. Burmese who leave the country illegally cannot legally return. There were reported instances of Burmese wishing to return to visit ill or dying parents being denied permission to enter Burma.

Burma does not permit foreign refugees or displaced persons to resettle or seek safe haven within Burma. The Government treats persons claiming to be refugees as illegal immigrants and imprisons them, although it freed and deported a number of imprisoned Vietnamese refugees in 1988.

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Throughout the year, the Government imposed a 10 p.m. to 4 a.m. curfew on the entire country. In most cases, the curfew was strictly enforced and violators were often punished. On at least several occasions, riverboat passengers, stranded at the jetty in Rangoon after curfew, were sent before a military tribunal and sentenced to 3 years' imprisonment.

During 1989, and particularly in November and December, the Government carried out a forced relocation of urban poor countrywide, most often to inadequately prepared sites far from jobs, schools, and extended families. In the great majority of cases, there was no compensation. Those forced to move were compelled to dismantle their old homes at their own expense and also to bear the costs of purchasing a new site, construction materials, and labor for building a new house, as well as transportation expenses. There were many unconfirmed reports that those without funds or assets to sell were moved to reclaimed jungle sites miles from urban areas to cultivate agricultural products to sell to nearby government factories at controlled prices. The Government described all those forced to move as "squatters," but in at least some instances people had purchased their property and held deeds to it. Some reportedly lived in apartments or houses coveted by the military or were told they lived too near military installations or government offices. At the same time, the Government offered attractively priced, relatively luxurious housing in areas of rapid real estate appreciation to high-ranking military officers, and also provided houses and land free of charge to former members of the now defunct Burma Socialist Program Party which ruled Burma for 26 years.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Burmese people do not have the right or the ability peacefully to change their government. In 1988 the military seized power and suppressed a massive prodemocracy movement by killing at least 1,000 peaceful demonstrators and injuring many more countrywide. Throughout 1989 the SLORC tolerated no dissent or criticism and controlled the population by imposition of martial law, wide-scale arrests of political activists, and intimidation. Although the SLORC allowed the formation and registration of political parties and promised elections scheduled for May 1990, its subsequent barring of the major opposition figures from the elections virtually eliminated hopes that this process would be free or fair.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit investigation of its human rights practices, nor is it willing to discuss human rights problems with outside government or nongovernmental organizations. Requests for meetings specifically to discuss broad human rights issues or individual cases are usually deflected. The Government consistently denied charges of human rights violations and publicly and repeatedly criticized the U.S. Government and AI for what it called "fabricated" reports of torture and other abuses and blamed both for "interfering in Burma's internal affairs."

No internal human rights organizations exist. A group calling itself Amnesty International of Burma, established during the 1988 prodemocracy demonstrations, was subsequently denied

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registration as a legal organization by the Government and apparently has been disbanded.

The Government is conscious of and resents the outside scrutiny to which Burma's human rights record has been subjected since its lethal suppression of prodemocracy demonstrations in 1988. Burma was the subject of a U.N. Human Rights Commission (UNHRC) decision in February 1989 and also is scheduled to be discussed at the 1990 UNHRC meeting. AI expressed concern about actions of the Burmese Government several times during 1989. The Governments of the European Community and of Australia on several occasions publicly expressed concern over human rights abuses in Burma.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Burma's numerous ethnic minorities have their own distinct cultures and languages. Economic development among minorities has lagged, and many still live at the subsistence level. This is due in part to geographic factors which impede economic development in the rugged, isolated, border areas populated by minorities. Minorities have been underrepresented in the Government and are largely excluded from the military leadership.

Persons of nonethnic Burmese ancestry, primarily Indians and Chinese, while denied full citizenship and excluded from party or government positions, continue to play an important role in the economy, a factor resented by many majority Burmans.

The government press has repeatedly denigrated Westerners or those with mixed blood in pejorative terms, such as "long-noses" or "green eyes."

Women in Burma have historically played an active role in society, but this varies with cultural traditions and ethnic backgrounds. In general, Burmese women enjoy most of the same legal rights as men. They keep their own names after marriage, are active in trade, and often control family finances.

There is no violence directed specifically against women in Burma. Although women as well as men died or were injured at the hands of the Government, and in some cases reportedly were raped, indications are that authorities generally treated women better than men in detention. While in 1988 there were unconfirmed but persistent reports of rape of several women in detention by soldiers or police, rape is viewed with great abhorrence by Burmese society.

Burma is governed solely by the military. Members of the armed forces and their families enjoy privileges not available to others. For example, during the enforced closure of all schools and universities, which lasted over a year, military children were allowed to attend special schools often taught by military spouses. At the same time, the military leadership closed down private schools set up by political parties for teaching poor children whose parents could not afford privately funded tutors and threatened legal action against those who taught children privately.

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Section 6 Worker Rights

a. The Right of Association

There are no trade unions and no independent labor movement in Burma. Workers do not have the right to organize independently, to bargain collectively, or to strike. After the Government violently suppressed prodemocracy demonstrations in 1988, and imposed martial law, even government-controlled workers' and peasants' mass organizations were disbanded. There were no strikes in 1989.

In April the United States suspended Burma's eligibility for trade concessions under the Generalized System of Preferences program until the Government takes steps to afford its labor force internationally recognized workers' rights. Again in 1989, as in previous years, committees of the International Labor Organization (ILO) criticized Burma's legislation imposing a single trade union structure which contravenes the principles of ILO Convention 87 on Freedom of Association, which Burma has ratified. The ILO committees, however, expressed the hope that prospective political changes which auger an end to the single party system would also lead to the repeal of the single trade union law.

b. The Right to Organize and Bargain Collectively

As noted, workers have no right to bargain collectively. Labor arbitration boards which, while government controlled, at least theoretically provided an opportunity for the airing of labor disputes, have been disbanded. The military authorities are the sole authority over workers' issues. No special economic zones exist in Burma.

c. Prohibition of Forced or Compulsory Labor

Burma's legal code does not contain any statutory prohibition of forced labor. For years the Burma army frequently conscripted civilian males in the vicinity of military operations (primarily in areas populated by ethnic minorities) to serve as porters. On September 22, a government spokesman acknowledged that the Burma army has traditionally used local residents in insurgent areas as porters, but denied reports that the military authorities had used students or other detained youths. According to eyewitness and firsthand reports during 1989, the Government conducted periodic roundups on the streets of Rangoon and other major cities of unemployed or those who could not prove employment. An unknown number of these persons were impressed for duty as Burma army porters in insurgent areas, while others were able to bribe their way out of custody. Some reliable reports strongly indicate that students and other political activists also were taken from Rangoon to serve as porters or as laborers in government mines or other installations.

d. Minimum Age for Employment of Children

Children between 13 and 15 may work for 4 hours a day. The penalty for employers who disregard this regulation is 2 years in prison. However, the regulation is not strictly enforced.

e. Acceptable Conditions of Work

There is a 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and

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parastatal sector employees, with overtime paid for additional work. However, public sector employees seldom actually work more than 6 1/2 hours a day. Workers have 21 paid holidays a year, and there are numerous legal provisions to protect workers' health and safety, but these are not strictly enforced even for government workers. The legal minimum government wage was raised in March from about \$1.00 per day to approximately \$2.25 at current official exchange rates, although at the more realistic free-market rate this works out to about 21 cents a day. Wages commonly have lagged far behind inflation and are not nearly enough for subsistence, particularly in the case of large or extended families. In the private sector, the minimum wage law applies only to cherooot-rolling plants and rice mills. There are rules governing health and safety conditions at workplaces, pertaining to room size, ventilation, fire hazards, and the availability of latrines and drinking water. In practice, these are seldom enforced, particularly in the private sector.

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The regime in place in Cambodia's capital is widely known as the People's Republic of Kampuchea (PRK) although it now calls itself the State of Cambodia. The PRK regime is headed by Council of State Chairman Heng Samrin and Prime Minister Hun Sen. The regime was installed by the Vietnamese army after it drove the Khmer Rouge Communists from Phnom Penh in 1979. The PRK is not recognized by the majority of the international community. In September Vietnam apparently withdrew virtually all of its main force units. However, Vietnam continues to exert considerable influence over the PRK regime's policies. Recently, the PRK regime has begun to pursue a set of increasingly liberal economic policies.

PRK political institutions tend to follow the Vietnamese model. Power is wielded by the Communist Kampuchean People's Revolutionary Party (KPRP), but the KPRP's control over Cambodia has been challenged by the Coalition Government of Democratic Kampuchea (CGDK), composed of two non-Communist resistance groups, and the Khmer Rouge. As in previous years, resistance forces continue to wage a guerrilla war against the PRK, operating primarily from areas along the Thai-Cambodian border and in small enclaves in western Cambodia. Occupying Cambodia's seat at the United Nations, the CGDK was formed in 1982, when the non-Communist resistance groups joined with the Khmer Rouge in a loose political alliance.

In August 1989, all four Cambodian factions, along with Vietnam, the ASEAN countries, the permanent members of the U.N. Security Council, and several other nations, met in Paris in an attempt to work out a negotiated settlement to the conflict. After a month of discussions, the conference recessed without an agreement, but efforts to reach a diplomatic settlement continue.

The Khmer Rouge, with between 30,000 and 40,000 men under arms, is considered the most effective fighting force in the resistance coalition. While in power from 1975-1979, the Khmer Rouge compiled one of the worst records of human rights violations in history as a result of a thorough and brutal attempt at restructuring Cambodian society. More than 1 million people, out of a total population of approximately 7 million, were killed or died under the Khmer Rouge's genocidal reign.

Although the Khmer Rouge has intensified a major public relations effort aimed at convincing the world that it has abandoned its past genocidal policies, its authoritarian and brutal treatment of Cambodians under its control continues in camps along the Thai-Cambodian border not accessible to international agencies and in parts of Cambodia under direct Khmer Rouge control. Conditions are better at Site 8--the first Khmer Rouge camp accessible to international agencies--and two other open camps, but Khmer Rouge administrators of all camps go to great lengths to prevent the departure of people from their control. (See Section 2.d. for an explanation of the various types of Khmer Rouge camps.) The Khmer Rouge top leadership from the 1975-79 period remains in power and is reliably reported to retain its ultimate goal of regaining control over Cambodia.

The non-Communist resistance (NCR) is made up of two groups. The first is the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC) whose de facto leader is Prince Sihanouk, Cambodia's former

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hereditary king and head of state. FUNCINPEC's military force is the Sihanoukist National Army (known as the ANS, an abbreviation of its name in French).

The Khmer People's National Liberation Front (KPNLF) is the older of the two NCR groups. Its political leader is former Prime Minister Son Sann who espouses a parliamentary form of government for Cambodia. It was formed in 1979 with the merger of several existing NCR groups, many led by former soldiers from the pre-1975 period of the Khmer Republic.

While these two groups have been comparatively free of human rights violations, there have been some credible reports of violations committed by their respective armed forces.

The PRK's economic system began to change significantly in 1989 when the regime began to permit citizens to own land and operate private businesses. There have been reports that the official exchange rate was abolished in 1989, permitting the market to determine the value of the riel against hard currency. Hundreds of privately owned businesses are now flourishing in Phnom Penh and, on a smaller scale, in provincial towns. Lured by the prospect of commercial opportunities, many foreign investors, particularly from nearby Southeast Asian countries, are already doing business in Cambodia or making plans to do so. Many visitors also report growing corruption among PRK officials.

Reliable reports from travelers to Cambodia and Cambodians who have left the country indicate that widespread and serious human rights violations by the PRK regime continued in 1989, despite evidence of improvement in some areas. The PRK continues to discourage efforts to monitor its human rights record.

During 1989 the human rights situation began to improve in many of the displaced persons camps located along the Thai-Cambodian border, in part because the United Nations began a program of assigning security liaison officers to each camp to train camp police and to institute a code of justice and a court system.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The few Cambodians who departed the country in 1989 did not report political killing by the PRK or Vietnamese in regime-controlled areas of Cambodia.

Political killings by the Khmer Rouge appear to have been reduced, but information on what happens in Khmer Rouge camps, especially in those of its camps not open to international and humanitarian organizations (where at least 50,000 people reside), is sparse. One defector from a closed Khmer Rouge camp reported that the Khmer Rouge, in an effort to regain popular support, now imprison or attempt to "reeducate" violators of their policies rather than kill them. He said, however, that serious offenders are sometimes placed in jails where they are starved to death.

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Khmer Rouge defectors report that civilians from the border camps and prisoners from Khmer Rouge jails have been killed by mines while performing forced labor, such as transporting supplies for guerrilla forces in Cambodia. They also report that those who attempt to flee Khmer Rouge closed camps run the risk of being shot. One 1989 defector from a closed Khmer Rouge camp reported that those accused of selling weapons or associating with the NCR sometimes receive the death penalty.

Civilians continue to be killed during attacks by the Khmer Rouge on towns, lines of communication, and economic targets within Cambodia. Often the Khmer Rouge, before attacking a town, have threatened all residents with death if they resist. The Khmer Rouge policy of killing captured Vietnamese troops and some PRK officials does not appear to have changed.

KPNLF and ANS units were not generally accused of political killings during 1989. Murders by NCR troops did occur in camps run by both factions, but these appear to have been the result of domestic conflicts. In September, however, a section leader in the major FUNCINPEC camp of Site B was assassinated in what was believed to be retaliation for alleged spying activities.

NCR forces attempt to avoid civilian casualties as much as possible during their military operations. This was especially evident during its major offensive launched September 30 when the safety of civilians who occupied the area attacked was a high NCR priority.

b. Disappearance

Reports of disappearances in Cambodia increased during 1989, but it appears that most of these cases involved the PRK's forced induction into the armed forces of young men between the ages of 18 and 30. There were also sporadic reports of residents from the displaced persons camps along the Thai-Cambodian border being impressed for the resistance armed forces. Disappearances from closed Khmer Rouge camps were also reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Prisoners who were released or escaped from PRK prisons during late 1988 or 1989 reported that the use of torture by PRK authorities, who took over administration of the prisons from their Vietnam advisers, has been reduced. Some prisoners report that, in lieu of being tortured, prisoners are sometimes just shown the tools of torture which could be used against them unless they confess their alleged crimes. Article 35 of the new PRK Constitution, promulgated in April, specifically prohibits the use of coercion or physical abuse against prisoners.

According to reports gathered by Amnesty International (AI), in the past, persons suspected of being involved with the resistance ran the highest risk of torture. Recent reports indicate this continues to be true. This category has been defined by the PRK authorities to include persons alleged to have expressed opinions critical of regime policies or the role of the Vietnamese, as well as those thought to be trying to leave or return from areas under the control of the resistance.

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According to AI and prisoners recently released from PRK jails, beatings have been inflicted on political suspects detained for interrogation. PRK authorities have been known to use various forms of torture, but recent information on such practices is unavailable. The PRK refuses to permit outside inspection of its prison facilities.

As in previous years, some detainees undergoing interrogation continue to be held incommunicado in small and completely dark solitary confinement cells that are poorly ventilated and unsanitary. They are constantly immobilized by shackles on both legs; sometimes they also are handcuffed. They are allowed no bedding or mosquito netting. To intensify ill-treatment during interrogation, some detainees are also deprived of food and water to progressively undermine their physical strength and resistance to illness. They may not bathe or go outside their cells to relieve themselves and are permitted neither medication nor medical attention.

Although it is rarely reported that a suspect has been killed during the actual interrogation, the indefinite period of detention without charge or trial that usually follows interrogation exposes detainees to the risk of death from a combination of injuries sustained during interrogation, unattended diseases, and inadequate diet.

d. Arbitrary Arrest, Detention, or Exile

As a rule, PRK authorities often detain, interrogate, and jail resistance sympathizers for extended periods without formal charges. Estimates of the number of political prisoners held by the PRK, including the estimates of AI, range up to several thousand, but reliable figures are not available.

In April an AI current report noted that an additional 430 people had been detained by PRK authorities for political reasons in 1988. Much of this information has come from official PRK broadcasts reporting the arrests of people accused of being "agents" of the CGDK or merely "political enemies." AI has repeatedly urged the PRK "to provide details about the fate of people reportedly arrested on political grounds," but has received no response.

Separate sections within the police are responsible for the investigation of activities by the non-Communist (KPNLF and ANS) and Communist Khmer Rouge resistance groups. The Ministry of Interior maintains at least three prisons in which suspected supporters of the resistance are held without formal charges. Provincial police and military internal security units maintain additional detention and interrogation centers. Regime regulations call for the arrest and "reeducation" of "any person carrying out propaganda campaigns to sabotage internal unity and Kampuchea-Laos-Vietnam solidarity." Such "reeducation" means indefinite detention to force a change in political thought.

In general there has been a virtual absence of legal process for those detained. Detainees have seldom been informed of the charges against them, or given access to lawyers, or informed of any rights or legal protections. There has been no requirement that officials notify anyone of a person's arrest. The same PRK authorities have been responsible for arrests, interrogation, decisions on a subject's guilt or innocence, and prison administration.

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Since 1981 the International Committee of the Red Cross (ICRC) has unsuccessfully sought permission to visit prisoners captured in combat. It has also not yet been able to gain access to Thai prisoners reportedly held in PRK prisons.

During the October offensive against the PRK in northwestern Cambodia, NCR troops captured 600 prisoners of war (POW's). These prisoners are being detained for interrogation and political orientation and, if they do not wish to join the resistance forces, the NCR says it will release them. In addition to these 600 POW's, the NCR forces also detained and later released additional PRK soldiers, providing them with money so they could return home. The Khmer Rouge also captured POW's during 1989. The Khmer Rouge presented some POW's they claimed to be Vietnamese to the press in October as "evidence" that Vietnam still had troops in Cambodia. No information is available as to what has since happened to these prisoners.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Article 85 of the 1989 PRK Constitution guarantees defendants the right to lawyers at all trials. In addition, this Constitution states that "all stages of court proceedings shall be held in public. Nevertheless, cases may be held in secret if provided for by law." In past years, political prisoners were regularly denied fair trials. There are no indications that this situation has changed since the new Constitution was adopted.

The PRK has used trials primarily for propaganda or public intimidation, with verdicts decided in advance. There are few procedural safeguards for defendants. Defendants have been required to memorize carefully and rehearse in advance all the questions and answers to be presented in court, even in cases where the interrogators had already decided to release them; if these defendants satisfactorily recited their testimonies as rehearsed, they were released. Other reports indicated that prisoners who had been arrested by PRK authorities for alleged cooperation with the resistance were incarcerated, not as a result of judicial proceedings, but rather because they confessed to their crimes under interrogation. There are no indications that these practices changed in 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

PRK authorities search whenever and wherever they wish. Networks of informers report to the secret police. Almost all villages in Cambodia close to the Thai-Cambodian border in the northwest provinces have been relocated inside a border security zone, especially those near known infiltration points. There are also numerous reports, confirmed by former PRK district officials, that the regime confiscates rice and other foodstuffs from villagers in some parts of the country in an effort to prevent cooperation with the resistance.

In most of their camps along the Thai-Cambodian border, especially in the south, the Khmer Rouge maintain strict control on the social activities of those under their control. The rules appear to differ little from those imposed by the Pol Pot regime of 1975-78. For instance, the Khmer Rouge punishes persons who marry without permission or forbids

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marriages altogether. If a marriage is permitted, the bride and groom are often not allowed to live together. Contacts with foreigners are restricted, and listening to unauthorized radio broadcasts can result in punishment. Relief workers who visit those Khmer Rouge camps open to outsiders report that residents require permission to visit the health clinics run by voluntary agencies or the ICRC's surgical facility at Khao-I-Dang. One Khmer Rouge defector during 1989 reported that in his camp, which was closed to international access, between 5 and 10 children and adults died each month because of the absence of medical care and the refusal of the Khmer Rouge leaders to allow camp residents to leave to seek help from international relief organizations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The press and radio within Cambodia are wholly controlled by the PRK regime. Criticism of the regime is not generally tolerated. Possession of foreign books and periodicals can result in arrest, but it is doubtful that such regulations are strictly enforced. Some limited criticism of the regime was tolerated in 1989 in publications such as the newspaper Kampuchea. On one occasion, this criticism took the form of a comparison implying that the PRK regime's armed forces sometimes engaged in undisciplined behavior similar to that of Pol Pot's soldiers.

In some areas of the country, people can listen to foreign radio broadcasts relatively freely, while in other areas, people are discouraged from listening to these broadcasts and threatened with arrest if they persist. The PRK makes a nominal attempt to control what types of movies the population sees, but widespread smuggling of video tapes has made movie censorship virtually impossible.

The PRK has, in the past, controlled individual contacts with foreigners. Recently, however, visitors to Cambodia have noted that Cambodians appear to be free to talk with anyone they wish, including foreigners.

In Site 8, a Khmer Rouge camp open to international assistance, residents have access to a relatively wide range of foreign publications and can listen to the radio with relative freedom. However, this was not the case during 1989 in the closed Khmer Rouge camps where, defectors report, those who listen to foreign broadcasts, or even those of the non-Communist resistance groups, are imprisoned. Residents of closed camps also lack access to foreign publications. In areas of Cambodia seized by the Khmer Rouge, the schools are closed. The non-Communist groups do not have similar restrictions.

b. Freedom of Peaceful Assembly and Association

The only associations permitted by the PRK are those created to support the regime, such as those for farmers, women, and youth. These are usually headed by ranking party or regime officials.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Article 6 of the PRK's 1989 Constitution made Buddhism the state religion of Cambodia. The regime also announced in May that all men were free to enter the monkhood, provided the ordination was approved by the regime and carried out by designated senior monks.

Interviews with Cambodians who left the country in 1989 indicate that in many parts of the country there is now considerable freedom to practice Buddhism and enter the monkhood. There are reports, however, that in some areas, men are still discouraged from entering the monkhood. Sometimes this involves a requirement to pay a bribe to obtain the necessary permission.

Generally, PRK authorities attempt to use Buddhism as one of a number of organizations for "mass mobilization" to implement party policies. Religious affairs are overseen by the National United Front for Construction and Defense, the same government agency that seeks to organize women, youth, workers, and religious groups to support the State. Communities that wish to construct Buddhist temples must apply to the local front committees for permission. The most senior monk is a Vice Chairman of the National Assembly, indicating the subordination of the Order of Buddhist Monks to political ends.

When in power in Phnom Penh, the Khmer Rouge disestablished Buddhism as the state religion and systematically murdered much of the Buddhist monkhood. Since being driven from power, the Khmer Rouge has tried to give the impression of reform. This is most noticeable in the large Khmer Rouge camp at Site 8, which has been accessible to international organizations and relief workers since it was established as an evacuation site in 1985 for people fleeing a Vietnamese offensive. This camp has a temple with monks in residence. However, defectors from other Khmer Rouge camps, and those relief workers occasionally allowed into those camps, reported in 1989 that Buddhism is still repressed by the Khmer Rouge outside of Site 8. Christianity and Islam were even more ruthlessly suppressed by the Khmer Rouge when it controlled the country and are not known to have been revived in Khmer Rouge-controlled areas.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The PRK has attempted to control tightly all travel within areas under its authority through systems of neighborhood surveillance, family registration, and identification documents. Despite formal regulations governing movements of families and individuals, there is a growing ability to travel within Cambodia as evidenced by the expanding domestic trade. However, checkpoints are still ubiquitous, and bribes as well as passes are required to pass through them.

Permission is required to travel abroad, and it is rarely granted except for official business. Cambodians seeking to leave the country to escape the conflict flee to the Thai border or to U.N.-supported refugee or displaced persons camps in Thailand. The regime routinely imprisons those caught attempting to flee as well as those believed to be returning from border camps affiliated with the CGDK.

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Most of the several hundred thousand Cambodian refugees who fled to Thailand before 1980 have been approved for resettlement and have departed for Western countries. However, over 11,000 Cambodians approved for refugee status but deemed "non-resettleable"--generally because of close contacts with the Khmer Rouge regime before 1978--remain at the Khao-I-Dang holding center in Thailand. Another 291,000 Cambodians--generally those who have fled since 1980--are considered "displaced persons" and remain in other camps on the Thai-Cambodian border. The PRK regime has agreed in principle to accept returning displaced persons from camps in Thailand. During 1989, 20 displaced persons were repatriated from Thailand to Cambodia.

The Khmer Rouge tightly controls movement within areas under its control. During 1989 some Khmer Rouge nonassisted camps were relocated, in some cases to "hidden" locations closer to the border. There are indications that these moves may be only interim steps to the Khmer Rouge objective of transferring some of its population back into Cambodia. Defectors reported in 1989 that the civilian populations in some closed Khmer Rouge border camps, especially in the south, are not allowed to leave the camps. Those attempting to escape run the risk of being shot by Khmer Rouge guards. Along the northern border, however, many Khmer Rouge were seen walking freely along roads on their way to new camps, including the U.N.-assisted camp of Au Trao. Also, residents of the Khmer Rouge camp at Site 8 are often allowed to leave the camp each day to work for Thai farmers.

The Khmer Rouge limits access by international organizations and voluntary agency personnel to camps under its control in Thailand. International organizations continued their appeals to the Thai Government in 1989 for greater access to Cambodians in closed camps. In January the Thai Government agreed to create U.N.-assisted camps for civilians under Khmer Rouge control in the northern and southern sectors of the border--at Au Trao and Site K respectively, similar to Site 8 in the central area. This decision resulted in the number of Khmer Rouge civilians in U.N.-assisted camps rising to around 73,000 in October, up from 51,500 at the end of 1988.

Freedom of movement is also restricted in the non-Communist camps. Residents wishing to move to a camp controlled by a different faction must obtain permission from the camp leadership or leave surreptitiously. International organizations and voluntary agencies have good access to NCR-affiliated camps in Thailand.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Cambodians do not have the right to change their government. The Kampuchean People's Revolutionary Party controls political life in the majority of the country. Elections have been staged by the PRK regime to attempt to demonstrate legitimacy as well as the relative status of leaders by varying reported percentages of the "vote." Although National Assembly members are supposed to serve terms of 4 years (the second round of elections should have been held in 1986), no elections have been held since 1982. There were various announcements by the regime during 1989 that elections would take place before the end of the year. At year's end, no date for elections had been set. The PRK regime has asserted that the scheduling of elections is pending external diplomatic developments.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights violations in Cambodia have been the subject of intense international attention since 1978, when the United Nations Human Rights Commission and its Subcommittee on the Prevention of Discrimination and Protection of Minorities began investigating the Khmer Rouge record of atrocities. In February 1988, the Commission adopted the latest in a series of resolutions on Cambodia, reiterating its condemnation of persistent violations of human rights and reaffirming that Cambodia's occupation by foreign forces deprives the people of Cambodia of their right to self-determination.

With the exception of a brief visit in August 1989 by the Cambodia Documentation Commission to investigate past Khmer Rouge atrocities, the PRK authorities have not permitted investigations of alleged human rights violations. The regime has not responded to requests by the Lawyers Committee for Human Rights and by AI to visit regime-controlled areas. Repeated requests by the ICRC to visit detainees under PRK control have never been granted. Local Red Cross organizations exist, but neither they nor any other groups have a role in the protection of human rights. The Khmer Rouge also does not permit investigations of the human rights situation in areas under its control, except in U.N.-assisted camps.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Directives issued by the PRK regime in 1982 seemed to accord a privileged status to Vietnamese immigrants; there have been reports of Vietnamese taking advantage of this privileged status to force Cambodians out of desirable occupations or off of property. Cambodians arriving on the border in 1988 frequently reported that Vietnamese in the cities continued to supplant Cambodian merchants, and this privileged status appeared to continue to be backed by the Phnom Penh authorities. Many Vietnamese moved into Cambodia to join other returning residents who had been expelled during the Khmer Republic or Khmer Rouge periods. Most are traders or fishermen, but a large group of Vietnamese farmers have settled on rich marshland in Takeo Province.

In 1989, however, with the announced departure of Vietnamese troops, many Vietnamese merchants and settlers began to leave for Vietnam, apparently believing that the regime would not or could not protect them. The CGDK has repeatedly claimed there are up to 1.2 million Vietnamese settlers in Cambodia and demands that they must all depart the country before a peace settlement can be reached. There is no independent, verified data on the number of Vietnamese settlers in Cambodia.

There is no specific information available on discrimination of other types, including violence against women.

Section 6 Worker Rights

a. The Right of Association

Workers in Cambodia do not enjoy the right of association and have no right to establish and join organizations of their own choosing. Organized labor is totally under the PRK's control,

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and industries have organized branches of the official "Trade Union for National Salvation." The "Kampuchean Federation of Trade Unions" is an official mass organization headed by Communist Party politburo member Mat Ly. As far as can be determined, there is no right to strike.

Cambodia became a member of the International Labor Organization (ILO) in 1969 but has ratified neither ILO Convention 87 on Freedom of Association nor Convention 98 on Collective Bargaining. The PRK regime has not supplied any information on unratified Conventions to the ILO in 5 years.

b. The Right to Organize and Bargain Collectively

There is no right to collective bargaining in Cambodia. The PRK has not established any economic incentive zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is commonly used by the PRK, although not primarily as a sanction or means of racial, social, or other discrimination. Although the use of forced labor appeared to decrease in 1989, the regime still conscripted thousands of laborers to clear brush, cut timber, and build roads.

The decrease in the number of forced laborers during 1989 appeared to result from the institution of a nationwide military draft. There were many reports of young men being taken forcibly and sent directly to the front, with minimal or no training. One student who fled to Thailand to escape the draft reported that the authorities deliberately failed students in his school to force them into the military. This mass conscription policy has resulted in many of those subject to the draft fleeing to Thailand. On one day in 1989, 119 PRK defectors crossed into Thailand.

The Khmer Rouge also requires labor from all persons under its control, including women, children, and the handicapped. Khmer Rouge civilian defectors continued to report in 1989 that they were forced to carry supplies and ammunition into the interior of Cambodia in support of military operations, saying they were punished if they failed to comply.

d. Minimum Age for Employment of Children

There is no known minimum age for the employment of children. Children are regularly employed as soon as they are physically able to perform the tasks required.

e. Acceptable Conditions of Work

No attention appears to have been given by PRK authorities to ensure acceptable conditions of work, and there is little information on this subject. Wage scales for the few industrial and government workers are set by the regime and are universally regarded as insufficient, forcing employees to supplement their wages in other manners.

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The People's Republic of China (PRC) is an authoritarian one-party state ruled by the Chinese Communist Party (CCP). Following the Beijing massacre in early June, the Government reinforced totalitarian measures to control political views. A closed inner circle of a few senior leaders exercises ultimate power over the nation, with Deng Xiaoping the first among equals. Some of these party elders hold positions within the Politburo, the Central Military Commission, or other organs. Others hold no formal positions of authority but still wield considerable influence.

The Government maintains control through a nationwide security network which includes the Ministry of State Security; the Ministry of Public Security; the Ministry of National Defense; state judicial, procuratorial, and penal systems; and through traditional societal pressure. In 1989 the security network was responsible for widespread human rights abuses, especially in Beijing and Xizang (Tibet).

Despite 10 years of economic reforms intended to expand the role of market forces, China's centrally planned economy still retains price controls and allocation of some key goods by administrative directive. The Government has decentralized some economic decisionmaking authority and endorsed the development of a small private sector, particularly in retail sales and services. As part of a comprehensive economic austerity and restructuring program initiated in late 1988, the Government took a more aggressive approach in scrutinizing private firms, punishing tax evaders, and attempting to limit the incomes of private entrepreneurs. The central authorities also withdrew some of the economic decisionmaking power delegated to lower levels.

The human rights climate in China deteriorated dramatically in 1989. On March 5-7, People's Armed Police (PAP) used indiscriminate and excessive force in suppressing demonstrations in Lhasa, Tibet, killing scores of persons. These killings and other serious human rights abuses, however, were dwarfed when the leadership ordered the People's Liberation Army (PLA) and other security forces to suppress forcefully a peaceful, student-led movement seeking greater freedom for China's people. At least several hundred, and possibly thousands, of people were killed in Beijing on June 3-4. The Beijing massacre was followed by a drastic, country-wide crackdown on participants, supporters, and sympathizers. Thousands were arrested and about a score are known to have been executed, following trials which fell far short of international standards, for alleged crimes committed during the unrest. There have also been persistent but unconfirmed reports of numerous unannounced executions. At year's end the crackdown was still continuing. The Government attempted to defend its actions by a massive disinformation campaign, expulsion and harassment of foreign journalists, a ban on the sale of books by dissidents, and the jamming of the Voice of America and some other foreign radio stations. Virtually all internationally recognized human rights discussed in this report are restricted, many of them severely.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

By far the most serious instance of extrajudicial killing in China in 1989 was the June 3-4 massacre in Beijing. Credible evidence indicates that the leadership deliberately ordered the use of lethal force to suppress peaceful demonstrations. The excessive force employed resulted in the deaths of many unarmed civilians. As noted above, estimates of the number killed vary widely, and an exact accounting may never be possible.

In early March, the PAP shot and killed scores of Tibetan monks and their supporters during demonstrations in Lhasa. Hundreds more were injured as police used indiscriminate and excessive force to quell protests in support of Tibetan independence.

Many independent observers believe that the number of persons actually executed in connection with the 1989 demonstrations throughout the country is far higher than those officially announced to date. Confirmation of such executions is not available, and Chinese officials have refused to respond to diplomatic requests for information.

According to reliable sources, 2 persons were killed and 150 injured, 10 seriously, during an April police raid on an underground Catholic church service in Shijiazhuang, Hebei Province.

b. Disappearance

The Government, as a matter of course, does not publicly announce the names of those detained or arrested. In view of the large number detained after the Beijing massacre, concerns have arisen over the fate of those detainees whose status has not been clarified.

There were credible reports of numerous raids on university campuses, private residences, workers' dormitories, think tanks, and hotels in the weeks following the June 3-4 massacre by both the PLA and various security bureaus. Large numbers of persons who participated in or supported the spring demonstrations were detained. While most of these detentions occurred soon after the June massacre, the crackdown continued months later. When universities reopened, returning students were investigated, and some students were detained by security forces. The Government acknowledges that some students, such as Liu Gang, Zhou Fengsuo, Ma Shaofang, and others on the list of 21 most wanted, have been arrested; however, it has not publicly charged, or acknowledged holding, the majority of students reportedly detained whose whereabouts are unknown. Some workers at a computer firm that supported deposed CCP General Secretary Zhao Ziyang, journalists from Beijing-based newspapers, and intellectuals also remain unaccounted for. Since announcing a total of about 2,500 detentions by the end of June, the Government has refused to comment on the number of additional detentions since that time or to provide any information on those detained.

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Detention of leaders of unofficial religious groups continued in 1989, often with no notification to followers or family members. At least two dozen bishops, priests, and laymen of the underground Catholic church were detained during the year, and the status of several of them remained unknown at year's end.

The whereabouts and status of many Tibetans detained during demonstrations in Lhasa are also unknown. A security official told a Western journalist in October that 400 had been arrested after the March demonstrations and that 323 were subsequently released. Other reports from Tibet cite significantly higher figures.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reports of torture and degrading treatment of persons detained for committing so-called counterrevolutionary crimes have been persistent and consistent. Many Chinese citizens who participated in the demonstrations suffered beatings and other forms of ill-treatment in police efforts to extract information about others who may have been involved in the demonstrations. A person involved in erecting the Goddess of Democracy statue in Tiananmen Square was reportedly detained, beaten, and forced to implicate others. He remains under detention, and it is not known if he has been officially charged. As of year's end, there were continuing reliable reports of beatings of political detainees in the Beijing area by security forces.

In Tibet officials have rebuffed diplomatic requests to visit prisons and to discuss individual human rights cases. Since the suppression of the March 5-7 demonstrations in Lhasa, there have been persistent and convincing reports of torture of those detained or arrested. A March 1989 report by U.S. Congressional staff related accounts, based on interviews with refugees from Tibet, of cruel and unusual punishment of Tibetans.

Conditions in Chinese prisons are invariably harsh and frequently degrading. According to press reports, more than 200 students and intellectuals are being held in the Qincheng maximum-security prison north of Beijing. Prisoners are reportedly packed eight to a cell. A person imprisoned prior to the June massacre reported beatings in prisons in western China. Prisoners, both criminal and political, are subjected to severe psychological pressure to confess their "errors." Those who resist are sometimes beaten and denied family contact. According to an official of the Supreme People's Procuratorate, cases under investigation concerning illegal arrests and the extraction of confessions by torture rose 57.7 percent during the first 6 months of 1989 as compared with the same period in 1988. The People's Procuratorates agreed to hear 21,838 cases involving charges of torture. Of these, 838 were major criminal cases.

d. Arbitrary Arrest, Detention, or Exile

China's Criminal Procedure Law proscribes arbitrary arrest or detention. According to the law, interrogation should take place within 24 hours of detention, and the detainee's family or work unit should be informed of the reasons for it and the place of detention. Articles 43-52 of the Criminal Procedure Law, however, permit the police to delay notifying the family

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and work unit "in circumstances where notification would hinder the investigation." Frequently family members are not informed when individuals are detained for political reasons. A detainee may be held legally for up to 10 days prior to formal arrest. In some cases, however, detainees have been held for months without charge.

Under Article 19 of "The Regulations of the PRC on Administrative Penalties for Public Security," police have the authority to assign persons accused of disturbing the peace, fabricating rumors, hindering government officials from performing their official duties, and other minor public order offenses to "labor education" camps for up to 3 years. According to an article in the official press in October, some 2 million Chinese citizens have been sent to these camps in the past 10 years.

Sentences imposed by criminal courts may be served in prisons or in "reform through labor" camps, whose function is not fully explained in the legal code. Many of these are in remote areas such as Xinjiang or Qinghai. Upon release from these camps, many prisoners reportedly have been denied permission to return to their homes and forced to remain in these underpopulated regions. This amounts to a form of internal exile.

Some of those detained since the June massacre may be charged with "crimes of counterrevolution," under Articles 90-104 of the Criminal Law. These articles are cast in such broad terms that they empower the State to detain people for a wide range of activities considered in violation of the law. Those detained for committing "crimes of counterrevolution" are treated in theory the same as those detained for other crimes, and their cases are supposed to be handled in accordance with the Criminal Procedure Law. The imposition of martial law in parts of Beijing in late May permitted martial law authorities to issue orders and detain people independent of the authority of the local Beijing government. Large numbers of people may be detained for long periods of time without any public notification while the PLA and police conduct their investigations.

In 1989 the number of persons accused of political offenses rose dramatically as a result of the spring demonstrations. The number of people initially detained and the number who remain under detention has not been released. Estimates of the number of detainees after June 4 vary from the 2,500 officially announced in late June to over 100,000 according to some journalists and human rights groups. Western press reports in December quoted "well-informed" government sources as putting the figure at 10,000.

Most of those detained appear to be manual workers. A number of prominent intellectuals were also detained, including journalist Dai Qing, former Democracy Wall prisoner Ren Wanding, reformist Party official Bao Tong, and several student leaders.

Some applicants for foreign visas have reportedly been detained and interrogated for at least several days.

Several hundred people connected with the March 5-7 proindependence demonstrations in Lhasa were subsequently detained. The Tibet Daily published on September 14 and 25 the names of 14 Tibetan Buddhist nuns who were detained and

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sentenced to 2 to 3 years of "labor education" for demonstrating in Lhasa on September 2 and 22. The nuns were detained for shouting in a public area slogans demanding independence for Tibet and were accused by the police of engaging in "separatist activity." The police detained the nuns and immediately adjudicated their cases under their own authority. Because of the secrecy surrounding these matters and the Government's refusal to discuss them, reliable estimates of the total number of political prisoners in Tibet, as in the rest of China, are not obtainable.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

China's judiciary is not independent but is controlled by the CCP. The highest court is the Supreme People's Court. The next level is the High Provincial People's Court, followed by the Intermediate Local People's Court, and then the Basic Local County People's Court. Separate and special military, maritime, and railway courts function directly under the Supreme People's Court.

In recent years the CCP and the Government have moved toward establishment of a more independent legal system. There have been efforts to define broadly stated laws more narrowly, including the provisions of the law on "crimes of counterrevolution," to make clear what are criminally indictable offenses. Programs have been set up to provide professional training for judges through overseas training courses to acquaint them with legal procedures in the West. Since June, however, the impetus for legal reform has waned.

Due process rights are stipulated under the Constitution but are often ignored in practice. The law requires that all trials be held in public, except those involving state secrets, juveniles, and "personal secrets." It also states that a defendant may be held in custody during investigation prior to the trial for a maximum of 2 months, although a 1-month extension may be requested from the next highest procuratorate. The procuratorate then has 1 1/2 months to decide whether or not to prosecute the case. An additional month is permitted if "supplementary investigation" is needed. Any further delay requires approval of the Standing Committee of the NPC. In practice, the period of pretrial detention can be much longer. Two American citizens arrested for alleged fraud and forgery were held for 7 months before a decision was made not to prosecute.

The procuratorate sends to trial only those persons it determines are guilty. Persons appearing before the court are presumed guilty, and trials are thus, in effect, sentencing hearings. Defense lawyers almost never contest their client's guilt; their function is generally confined to requesting clemency. There is an appeal process, but initial decisions are rarely overturned, and sentences can actually be increased. Defendants are expected to "show the right attitude" by confessing their crime, and, because they are presumed guilty, those who fail to confess are treated more harshly.

The Government has publicly announced the executions of a score of persons who were tried and found guilty of crimes directly linked to the spring demonstrations. For example, three were executed in Shanghai on June 22 allegedly for

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burning a train, seven in Beijing on June 22 allegedly for "setting fire to military trucks, stealing military goods, and assaulting soldiers," and two in Chengdu in July allegedly for arson. A factory worker in Jinan was sentenced to death in late October for allegedly setting fire to a car, three in Chengdu in November for burning a cinema, and two in Beijing in December for beating a policeman to death.

The Government has repeatedly argued that those executed were "legally" found guilty of destroying government property or other internationally recognized crimes, and not of political offenses. The executions in Shanghai at least tend to belie the Government's assertion. On June 6, during demonstrations protesting the massacre of civilians in Beijing, a train ran over a group of demonstrators in the Shanghai suburbs, killing six. Angered by this, hundreds of people reportedly stormed that train or the next train nearing the station and burned it. A railway court convicted and sentenced to death three people for burning the train. No one was detained in connection with the death of the six demonstrators. The Government contended that the defendants were accorded their full rights. Serious doubts about the fairness of the trial remain, however, including the excessive sentences, the selection of these three persons for prosecution from among the hundreds involved, the hurried nature of the trial, and the mental competence of at least one of the defendants. Given the near total lack of procedural safeguards in these trials, government claims that the accused received "due process" are not credible.

Those arrested for crimes of counterrevolution frequently are tried in secret and family members are not informed of the charges or details of the case. Credible reports suggest that even years after the conviction and imprisonment of a person considered a dissident, family members still do not know the details of the alleged crime.

A number of political prisoners jailed in previous cycles of repression, notably "Democracy Wall" dissident Wei Jingsheng, remain in prison. Yang Wei, a former student in the United States who was jailed for 2 years for activities during the 1986 demonstrations, was released in January but detained again in July for involvement in the spring protests. Among those who have been tried and convicted for clearly political offenses during 1989 are Xiao Bin, who received a 10-year sentence for "spreading rumors" about the demonstrations to the American Broadcasting Corporation (ABC) television; Zhang Weiping, sentenced to 9 years' imprisonment for telephoning information on Hangzhou protests to the Voice of America (VOA); and Chen Zhixiang, a teacher in Guangzhou who was given 10 years for painting a "counterrevolutionary" slogan. Persistent reports claim that many others, perhaps several hundred, have been secretly convicted of similar political offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires that search warrants be issued before authorities may search premises, but it is often ignored. It is unlikely the army and the security forces obtained warrants prior to their raids on homes and businesses to arrest "counterrevolutionaries" for their role in the democracy demonstrations.

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Personal and family life are extensively monitored and regulated by authorities. Most persons depend on their work unit for employment, housing, ration coupons, permission to marry or have a child, and other aspects of ordinary life. The work unit, along with the neighborhood watch committee, monitors activities and attitudes. In the wake of the demonstrations, authorities have redefined the function of the neighborhood watch committees, requiring them to work more closely with the Public Security Bureau. Mail is often opened and read, telephones monitored, and television cameras located at some key intersections, in luxury hotels, and in some buildings. After the post-Tiananmen crackdown began, the authorities produced television footage from clandestine cameras showing alleged Taiwan spies observing the Tiananmen Square demonstrations, and student leader Wuer Kaixi and other demonstrators eating at the Beijing Hotel.

The Government strictly regulates dealings between Chinese citizens and foreigners. Virtually all foreigners are forced to live separately in designated residential compounds, and all Chinese entering the foreign areas are closely monitored by guards and video cameras on roofs and in elevators. Residences of foreign diplomats, journalists, and businessmen are assumed to be electronically and physically monitored.

The Chinese Government maintains a comprehensive and highly intrusive family planning program. Individual and family decisions about bearing children are controlled by the State, with severe sanctions against those who deviate from official guidelines. The Central Government sets an annual nationwide goal for the number of births to be authorized. This is then apportioned among provinces, and further down through prefecture, county, town, and district levels. Ultimately, each work unit (village, factory, or government office) receives a target figure for births over the next few years. As the allotments are quite small, couples wishing to have a second child often must wait many years before receiving permission. In some areas, newly married couples have also been required to wait years before having their first child.

While strongly encouraging all couples to have only one child, Chinese policy allows two or more children for many rural families. Members of ethnic minorities, particularly in remote areas, are also generally not subject to the same strict limitations imposed on the Han majority.

Implementation of the policy varies widely from place to place and from year to year. In many areas, couples apparently are able to have several children without incurring any penalty, while in other areas enforcement has been excessively harsh. Periodic campaigns exhort all Chinese to have fewer children, to have them later in life, and to space them more widely. When national targets are not met, officials call for stricter implementation, and some have advocated more coercive methods than central government policy currently authorizes. Local officials have great discretion in how, and how severely, the policy is implemented.

Under China's national Marriage Law, women may not legally marry before age 20; men before age 22. In practice, early marriages are discouraged, and the press frequently extols the virtues of later marriage. Lack of available housing and other social concerns are often cited as additional reasons to delay marriage.

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Couples are not allowed free choice about whether to practice family planning, how many children they may have, or when they may have them. In practice, most couples have little choice concerning the form of birth control to use.

The population control policy relies primarily on heavy doses of education and propaganda, augmented by severe psychological pressure on those who resist. Disciplinary measures against couples who violate the policy include stiff fines (often as high as a year's salary), withholding of social services, demotion, and other administrative punishments. If a unit exceeds its allocation, punishment may be meted out to the offending couples, to unit officials, and to the unit as a whole. Some local officials have reportedly destroyed or confiscated the private property of families with unauthorized children if fines are not paid. In 1988 a Chinese couple studying in the United States, Dr. Li Quanbang and Ms. Ping Hong, were threatened with severe punishment if Ms. Ping refused to abort her second child before returning to China. Ms. Ping's employer warned her that, if she returned, she would have to have an abortion even in the third trimester of pregnancy. If she insisted on having the child, she would be placed on probation and the entire factory would be punished. Eventually the authorities relented, but the U.S. Government determined that the Li family and a few other Chinese couples who faced similar situations had demonstrated a well-founded fear of persecution and granted them asylum in the United States.

Physical compulsion to submit to abortion or sterilization is not authorized, but continues to occur as officials strive to meet population targets. Reports of forced abortions and sterilizations continue, though well below the levels of the early 1980's. In early 1989, a U.S. Congressional staff delegation interviewed Tibetan refugees in Nepal. They, and some previous news stories, reported harrowing accounts of abuses in Tibet.

Chinese officials have consistently maintained that China does not condone forced abortion and sterilization and that officials who commit such abuses are punished. They admit, however, that such punishment is rare and have refused to provide documentation of any punishments.

Female infanticide also persists in some rural areas. Insistence that local officials meet population goals has contributed to the reemergence of this traditional practice, generally by parents who hope to have more sons without incurring official punishment. There are allegations that some Chinese officials and doctors have participated in infanticide or in abortions so late in pregnancy as to be tantamount to infanticide. The Chinese Government strongly opposes infanticide, to the point of prosecuting offenders, but has been unable to eradicate it.

One recent development in China's population control policy was the passage in November 1988 of a set of eugenic regulations in Gansu province prohibiting people with severe mental handicaps from having children. Provincial officials estimate the rules will affect some 26,000 persons whose intelligence quotient is judged to be 49 or lower. Should any of these persons decide to marry, one spouse must undergo sterilization. For those already married, one partner must be sterilized and any pregnancies compulsorily aborted. Officials claim that permission for any operation requires the

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consent of a mentally competent relative but acknowledge that heavy psychological pressure may be employed to obtain consent. As of December 1989, provincial officials said that 1,714 persons had been identified as requiring sterilization, and 731 operations had been performed. According to a Health Ministry official, the Government is drafting a new law to extend the ban nationwide.

Despite a decade of efforts, officials acknowledge that population growth has significantly exceeded the national targets and that the goal of holding China's population to 1.2 billion by the end of the century will not be met. This realization, together with a recent escalation of official rhetoric, have led some observers to suggest that China may be entering a new cycle of strict enforcement of family planning policies, after a period of relative relaxation.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

On June 3-4, in order to clear peaceful demonstrators who had occupied Tiananmen Square for several weeks, PLA troops fired heavily and indiscriminately at crowds in the approaches to and around Tiananmen Square, resulting in at least hundreds of deaths and thousands of injuries. Some were crushed by military vehicles driven into the crowd. The PLA also suffered scores of casualties as enraged citizens fought back. According to Western diplomats, some PLA casualties also resulted from soldiers accidentally shooting or injuring other soldiers. While it is difficult to know precisely how many civilians died or were injured, the numbers are certainly far greater than those cited by authorities. Mayor Chen Xitong, in a speech before the National People's Congress Standing Committee on June 30, said over 200 civilians were killed, including 36 students, and 3,000 injured, with "dozens of soldiers and police killed and 6,000 injured." Hospitals and human rights groups, however, provided much higher estimates. Visiting several hospitals in Beijing after the June 3-4 massacre, diplomats and other observers viewed scores of dead civilians, including women and children, with bullet wounds and other injuries, and heard from medical personnel the hardships the hospitals faced in treating the dead and injured. At one hospital, doctors said that on June 3, 50 civilians had died from bullet wounds in their hospital alone.

The authorities clearly used excessive deadly force against the demonstrators. While they used tear gas and rubber bullets briefly in some areas of Beijing, the PLA and security forces relied primarily on lethal force rather than traditional riot control techniques to clear demonstrators from the roads leading to Tiananmen Square. Foreign diplomats and their families did not escape the heavy-handed actions of the PLA. On June 7, PLA soldiers, allegedly returning fire from a sniper, shot at a diplomatic housing complex, spraying scores of apartments with gunfire but causing no casualties. Chinese authorities have produced no evidence that a sniper was actually present in the compound and firing at the PLA.

Security forces used excessive force in breaking up a religious ceremony and demonstration by members of the underground Catholic Church near Shijiazhuang, Hebei Province in April, leaving 2 civilians dead and at least 150 injured.

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In another major incident involving the use of excessive force during demonstrations in Lhasa on March 5-7, police shot and killed scores of Tibetan monks and their supporters.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and self-expression are severely restricted. Limited criticism of government policies and officials is tolerated and had increased in recent years. However, the limits were tightened again after June 4. Citizens are not permitted to criticize senior leaders or to express opinions contrary to the "Four Cardinal Principles": Marxism/Leninism/Mao Zedong Thought as the theoretical foundation of the State, socialism as its goal, Communist Party leadership, and the "people's democratic dictatorship" (which includes the right to use force against "counter-revolutionaries").

Those who violate these guidelines frequently are severely punished. Xiao Bin, a worker in Dalian, was sentenced to 10 years' imprisonment for expressing personal views on the Beijing massacre to an ABC news crew, and Zhang Weiping, a student, was sentenced to 9 years' imprisonment for informing VOA about antigovernment demonstrations.

Renowned scientist and dissident Fang Lizhi sent senior leader Deng Xiaoping an open letter on January 6 appealing for amnesty for political prisoners. On February 16, 33 prominent intellectuals signed an open letter to the national leadership supporting Fang's call for amnesty. The Government attacked the letter in the official press on February 23 and later characterized it as an act of "counterrevolution." Some signatories have since fled China while others have been detained. Security forces stepped up surveillance of Fang and restricted his movements. He and his wife Li Shuxian were physically prevented from attending a banquet in Beijing hosted by President and Mrs. Bush. In June Fang and Li took refuge in the U.S. Embassy, after which the Government charged them with criminal "counterrevolutionary" activity and named them as key "conspirators" in the student demonstrations.

Television and radio are strictly controlled by the Government and used to propagate the party's version of events. In the wake of the June 3-4 events, the authorities began a massive disinformation campaign, asserting that the spring demonstrations had evolved into a counterrevolutionary rebellion led by a few conspirators. State Council spokesman Yuan Mu claimed on June 16 that only 300 had died on June 3-4, half of them PLA soldiers. Regular programming was replaced by special programs giving the CCP's version of events. These programs were broadcast several times a day for weeks. In July China Central Television (CCTV) broadcast a four-part program conveying the official version of the massacre. Events were altered to suggest that the troops had been called in to "quell a riot" rather than that troops fired on peaceful demonstrators who then reacted in a rage. Again on September 23, CCTV televised a special program countering charges by activists in the United States and featuring comments by Liu Xiaobo, detained since June, denying that anyone had died in Tiananmen Square. In the wake of the massacre, television news constantly replayed assertions of government officials

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such as Yuan Mu and selected remarks by the handful of foreign observers supportive of the Government position.

Following the imposition of martial law in Beijing, the Chinese cut off the satellite feed for U.S. network news services. Security authorities and PLA soldiers on the night of June 3-4 detained two U.S. reporters along with a number of other foreign journalists. In the aftermath, authorities severely restricted the movements of foreign journalists, harassing and expelling several of them.

After an 11-year moratorium, the Government resumed jamming VOA Chinese-language broadcasts on May 21. The official press has harshly attacked VOA reports, claiming that they were part of a Western conspiracy to subvert China. Chinese authorities confiscated film from foreigners leaving the country and insisted on developing it for review and censorship.

Restrictions on the publication of books and other printed material, which had generally eased during the 1980's, have become much more stringent since June. Print media, like the broadcast media, have been used to disseminate disinformation about the spring demonstrations and the Government's crackdown.

A number of journalists were detained or otherwise officially harassed in 1989. During the demonstrations, then Shanghai Party Secretary Jiang Zemin sacked the editor of the World Economic Herald, Qin Benli, and closed the newspaper, silencing one of the country's few independent journalistic voices. Since June, Qin has been under investigation. His Beijing bureau chief was arrested and several staff writers are still detained. Other journalists apparently still under detention include personnel from the government mouthpiece People's Daily, the official English-language China Daily, Guangming Daily, and Radio Beijing. Others have been dismissed from their jobs for printing material at variance with the party line, including editor Tan Wenrui and director Qian Liren of People's Daily, publisher Zhang Li and editor Li Jiawei of the Sichuan Provincial Social Science Academy Publishing House, Editor-in-chief Yao Xihua of the Guangming Daily, Editor-in-Chief Li Xiaoshi and Deputy Editor-in-Chief Sun Changjiang of the Science and Technology Daily.

On July 17 the Government temporarily removed from the newsstands foreign language newspapers, magazines, and publications in order to limit access by Chinese citizens to foreign news and to consolidate government control over the importation and distribution of foreign printed material. While the ban was lifted at the end of August, tighter control on distribution has enabled authorities to censor foreign language material more effectively. For example, several issues of the Far Eastern Economic Review were withheld from newsstands or had offending articles removed. More recently, foreign media reports on the overthrow of Romanian dictator Ceaucescu have been barred from distribution.

The Government reportedly has also banned publications by activists and other authors considered unacceptable. Writings by astrophysicist Fang Lizhi and his wife Li Shuxian, investigative journalist Liu Binyan, playwright Su Xiaokang, intellectuals such as Su Shaozhi, Bao Tong, Jin Guantao, Ge Yang, Cao Siyuan, Li Honglin, Zhang Xianyang, Dai Qing, Liu Xiaobo, Yan Jiaqi, and dozens of others have reportedly been banned. Li Ruihuan, member of the Standing Committee of the Politburo, on August 24 announced a campaign to "clean up and

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rectify" the publishing and audiovisual industries. Li said the campaign was aimed at curbing publications advocating "bourgeois liberalization" (Western social, political, and cultural ideas) and pornography.

In the wake of the student demonstrations, the Government has worked to reimpose more rigid ideological control over the school system. The State Education Commission ordered that 30,000 fewer first-year students be admitted to universities for the fall 1989 semester. The cuts were primarily among those seeking to study the social sciences. The number of students studying Western philosophy, political science, and management were reduced. The entire first-year class at Beijing University, a main center for the demonstrations, was sent to an isolated camp for a year of military training and ideological indoctrination. (The Government said this program might be expanded to include additional universities in the future.) Some recent college graduates are being sent from Beijing to the countryside or to factories for ideological training. On July 1, a State Education Commission official told the Chinese press that "students' level of patriotism and willingness to serve their country should be major criteria" in decisions on who should be permitted to study overseas. Required study of the writings of Communist theoreticians has been sharply increased.

Investigations into press activities have led to intimidation of journalists and broadcasters, stronger press control, and a complete halt, for now, of press reform. The Government has made it clear that the press must support the party line and cannot question the "Four Cardinal Principles." The detention of journalists and broadcasters described in earlier sections reinforced the Government's message.

b. Freedom of Peaceful Assembly and Association

Article 35 of the Constitution guarantees the right "of assembly, of association, of procession, and of demonstration," but such activities may not infringe "upon the interests of the State" (Article 51). In an effort to prevent students from again demonstrating or occupying Tiananmen Square, the National People's Congress Standing Committee on October 31 adopted a law governing assemblies, parades, and demonstrations that significantly limits the right of individuals or groups to organize mass political activities.

The law, in theory, guarantees the right to assemble and demonstrate but stipulates that parades and demonstrations must abide by the Constitution and laws and may not "infringe on the interests of the State, society, and collectives or the legitimate freedoms and rights of other citizens." In practice, this proscribes any protests against socialism or the leadership. Moreover, this stipulation could be used to ban protests that disrupt traffic, interfere with business, or occupy public places, and all acts that could be interpreted as "infringing" on the freedoms of other citizens. Also banned are demonstrations that advocate national separatism or jeopardize national unity.

The law does not apply to "traditional cultural, recreational, or sports activities; normal religious activities; nor traditional, nongovernmental activities among the people." Also exempt are celebrations held by the State and assemblies held by "state organs, political parties, social groups, enterprises, or institutions in accordance with the law or

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their organic charters." Presumably, local authorities retain the power to determine what are "normal" religious activities; unapproved gatherings, such as evangelical revivals, religious retreats, and outdoor masses could be restricted or banned. Similarly, local officials would decide when "traditional" cultural activities carry unacceptable political overtones related to such sensitive issues as national separatism.

Procedures for obtaining a permit are extremely restrictive and constructed in such a way as to discourage exercise of the right of assembly. Demonstration organizers must apply for a permit at least 5 days before the event, specifying the purpose, type of demonstration, slogans to be used, the number of participants and vehicles, the routes and times of the march, the number and type of audio equipment, and the names, addresses, and occupations of sponsors. Marches are generally to be confined to the hours of 6 a.m. to 10 p.m. except with special permission. The law reserves to local officials the right to change the time, location, and route of a demonstration, even after giving approval, requiring only that they "promptly notify" the sponsors. Citizens cannot organize or participate in demonstrations outside their own locality, nor can government employees organize or participate in protests that "go against their responsibilities and obligations prescribed in relevant laws and regulations."

Professional and other mass associations are for the most part organized and controlled by the Communist Party. Other new regulations require all organizations to be officially registered and approved, including societies, research units, foundations, and chambers of commerce. Ostensibly aimed at secret societies and criminal gangs, the regulations are also used to prevent the formation of unauthorized political or labor organizations, such as the student and worker groups that emerged before and during the spring prodemocracy protests. The regulations can also be used to close down unregistered house churches or discussion groups that local leaders deem potentially subversive.

In parts of Beijing, martial law was imposed on May 20 and remained in effect until lifted in January 1990. Under martial law, groups of people were not permitted to gather and demonstrations were strictly forbidden. Martial law has also been in effect in Lhasa since demonstrations broke out there in early March. In areas where martial law is not in effect, authorities also have adopted a stricter policy toward allowing groups of people to assemble. Informants and security forces maintain a close watch on groups formed outside the Party establishment, particularly unauthorized religious groups and other associations. Associations recognized by the State are permitted to maintain relations with recognized international bodies, but these contacts are monitored and limited by the Government.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religious freedom is subject to tight constraints. While the Constitution affirms toleration of religious beliefs, the Government severely restricts religious practice outside the officially recognized and government-controlled religious institutions. Religious proselytizing is restricted to officially sanctioned places of worship or to the homes of

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persons properly registered with an officially recognized religious institution. Religious conversion is tolerated (though generally not for Communist Party members).

By far the largest group of religious believers in China are Buddhists who belong to the dominant Han ethnic group. Han Buddhist leaders generally cooperate with the Government and have experienced few reported difficulties. Daoism, widely practiced in southern coastal provinces, is officially respected as an important part of traditional Chinese culture, but many of its practices conflict with government strictures against superstition and waste of arable land and have been heavily criticized. China permits Muslim citizens to make the hajj to Mecca, and over 2,000 Chinese, most subsidized by the Chinese Government or by overseas Muslims, make the journey annually.

The Government insists that no religious institution may be subject to foreign domination or influence. In order to eliminate perceived foreign domination of Christian groups in the past, the Government in the 1950's established the Catholic Patriotic Association (CPA) and the Protestant Three Self Movement (TSM). The CPA ordains its own bishops and priests, generally follows pre-Vatican II practices, and rejects papal authority. Proselytizing by foreign groups is forbidden. Americans and other foreigners have been expelled for distributing Bibles or proselytizing. Twelve Americans were detained in Kunming on June 23 and were later expelled for having imported religious materials. Officially sanctioned religious organizations are permitted to maintain international contacts as long as these do not entail foreign control. The TSM and its Buddhist and Muslim counterparts have established extensive networks of international support. The CPA has no official ties to Catholic churches outside China, but its leaders frequently visit Catholic and other religious leaders abroad.

Tibetan Buddhism is also tightly controlled. Religious activity is thriving with some government support, though the number of monasteries and monks remains far below the pre-1949 level. The Government does not tolerate religious manifestations that advocate Tibetan independence. The Government recognizes the Dalai Lama as a major religious figure, but condemns his political activities and his leadership of a "government in exile." As with other religions, Tibetan Buddhist activities are subject to government monitoring and control. The Government exercised a considerable degree of control over the late Tibetan Buddhist Panchen Lama, the second most revered religious figure in Tibetan Buddhism. Following his death early in 1989, the State Council approved procedures for selecting the "reincarnated" Panchen Lama which will give the Government a prominent role.

After forcefully suppressing all religious observance during the 1966-76 Cultural Revolution, the Government began in the late 1970's to restore or replace confiscated churches, temples, mosques, and monasteries. The official religious organizations administer more than a dozen Catholic and Protestant seminaries, nine institutes to train imams and Islamic scholars, and institutes to train Buddhist monks. The Government supervises the publication of religious material for distribution, to ensure that it conforms to religious beliefs and philosophical positions sanctioned by the Government.

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There are active underground religious movements which pose an alternative to the state-regulated churches and temples. The Catholic underground church claims a membership far larger than the 3.5 million officially registered with the CPA, though actual figures are unknown. It has its own bishops and priests and conducts its own services. Protestants also conduct private services independent of government control; some of these groups are apparently quite dynamic. The Christian underground movement imports religious materials, including Bibles, from abroad. Underground church officials reject legally published material because it does not conform to their beliefs. The Government generally tolerates but sometimes actively suppresses nonsanctioned religious groups. Security forces have raided illegal underground services, resulting in arrests, injuries, and even deaths, as in the raid on an underground Catholic service in Hebei in April in which 2 persons were reportedly killed and 150 were injured.

A large number of Catholic leaders and somewhat fewer Protestants have spent long periods in prison. Most long-term Catholic prisoners had been released by late 1987, but detentions continue. Bishops Julius Jia Guozhi, Joseph Fan Xueyan, Pietro Liu Guandong, Giuseppe Li Side, Jiang Liren, Mattia Lu Zhensheng, Filippo Yang Lipo, Paolo Li Zhenrong, Bartolomeo Yu Chengdi, and other priests in the underground Catholic Church as well as underground Protestant leaders were reportedly detained during 1989 for varying periods of time. Underground Catholic Bishop Casimir Wang Milu has not been seen since his arrest in 1986 and is presumed to be in prison. As of year's end, no information was available on at least 20 Catholic priests detained by security forces in Hebei, Gansu, Sichuan, and Fujian provinces. International human rights groups report that at least 30 underground Protestant leaders may also be in detention.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government uses an identification (ID) card system to restrict the movement of Chinese citizens within the country. Citizens are registered as residents of a particular jurisdiction and assigned to a specific work unit. Movement within the country or change of workplace can, in most cases, be done only with government permission and agreement by the work unit. Those workers on short-term work contracts with a work unit have more leeway in movement. On expiration of a contract, the worker may be able to negotiate a position in another area or continue his contract. Significant numbers of farmers have moved from the countryside to cities in search of employment. Authorities are trying to limit the migration, but they estimate there are at least a million unregistered persons in Shanghai and Guangzhou and 700,000 in Beijing. Measures undertaken in connection with the Government's current austerity program will result in large-scale unemployment and authorities reportedly intend to enforce their return to the countryside.

After the June disorders, the Ministry of Public Security ordered full national implementation of regulations on carrying and checking residents' identification cards as of September 15. The cards have been under partial and experimental use for several years.

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Under the new procedures, citizens are required to carry their ID cards at all times when out of doors and must present them on demand of authorities. They must also present ID cards when registering for voting, residence, military service, marriage, or school entrance; applying for employment, licenses, loans, notarization of documents, social insurance or relief, travel to restricted areas or to leave the country; participating in lawsuits; picking up mail or claiming remittances; boarding an airplane; or registering in a hotel.

More stringent scrutiny of ID cards will close loopholes through which many Chinese have slipped in recent years. Some have used the relative freedom of travel to act as business middlemen and fixers, often involved in quasi-legal or illegal cash-and-carry deals, money changing, and black market activity. Also likely to be caught in the tighter net are itinerant preachers and evangelists, many of whom lack a permanent residence. Recent Chinese press reports decry incidents in which people caught without their ID card were subjected to extortion by police or shaken down by criminals posing as police.

Existing restrictions on foreign travel were tightened in 1989. In the wake of the Beijing massacre, the Government has implemented more restrictive criteria for passport issuance. Procedures reportedly include obtaining a political "bill of good health" from the work unit and its party committee and submitting to background checks by the Public Security Bureau (and, in Beijing, the martial law command). Passport applicants are screened to determine the applicant's political loyalty and his role in the spring demonstrations. The double exit permit system implemented on June 20 was designed to support this objective. In Shanghai, dissident Zhang Cai was detained at the airport when trying to board a flight out of China. There are also reports that some Chinese who marry foreigners and wish to emigrate have had to repay the cost of their education in order to obtain a passport.

The Government has imposed restrictions on overseas studies. New regulations reportedly require tighter ideological screening, and perhaps several years' work experience, as prerequisites for permission to study overseas. Furthermore, lower limits will be set on the number of publicly funded students sent abroad to study humanities, with the emphasis instead going to more practical studies such as the sciences and specialized training.

China has continued to relax restrictions on internal travel by foreigners. Since last year it has increased the number of cities open to foreign visitors from 504 to 626. Tibet, the capital of which remains under martial law, has begun again to allow tourism. Tourists, however, must travel in groups of at least three, obtain prior permission, and travel with officially designated travel agencies. Most requests by foreign diplomats for travel to Tibet since March have been denied.

China encourages its citizens who are legally overseas studying or doing research to return to assist in China's development. Some 35,000 Chinese citizens are currently studying or conducting research in the United States. The State Education Commission declared on December 8 that scholars returning from overseas would not be held accountable for participation in prodemocracy activities while abroad. However, many of these scholars claim that they or their

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families have been subject to threats of reprisals by Chinese officials.

The Chinese Government accepts repatriation of PRC citizens who have entered other countries or territories illegally. The Hong Kong Government says it returned to the PRC 11,392 illegal immigrants in the first 9 months of 1989, compared to 21,001 in 1988. None of those returned were believed to be considered by the PRC Government to have been participants in or supporters of the spring demonstrations. To retaliate against the Hong Kong Government for having allowed dissident swimmer Yang Yang to depart for the United States, the PRC temporarily suspended repatriation for 2 weeks in October. Japanese authorities have decided to proceed with repatriation of illegal immigrants from China who entered Japan by sea during the summer of 1989. It remains unclear what punishment, if any, these PRC citizens will face once they have been repatriated.

China accepted more than 280,000 refugees and displaced persons from Vietnam and Laos between 1978 and 1982. These refugees were predominantly ethnic Han Chinese or married to ethnic Chinese. In recent years, the Government has adopted a stricter policy of "no new admissions." Thus, Chinese authorities currently discourage Vietnamese refugees from settling in China. There have been persistent reports that local authorities along China's southern coast help to provide food, water, and fuel to Vietnamese migrants so they may proceed to Hong Kong, and in some cases, to Japan and Korea. There also have been credible reports that Vietnamese refugees reaching China's interior provinces have been forcibly repatriated. Other credible reports suggest that the PRC has also repatriated persons of other nationalities seeking refugee status. Although China signed the Comprehensive Plan of Action (CPA) negotiated at the International Conference on Indochinese Refugees in Geneva in June 1989, it is unclear whether China considers itself a CPA "participating state." China has yet to create formal mechanisms to enforce CPA provisions, and its policy on the principle of first asylum remains ambiguous.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The people of China do not have the right or the ability peacefully and legally to change their government. Chinese citizens can neither freely choose nor change the laws and officials which govern them. China is ruled by the CCP, the paramount source of political authority. Within the party, a closed inner circle of a few senior leaders exercise ultimate power over the nation. Most hold key positions within the six-member Standing Committee of the Politburo, the Central Military Commission, or other organs. Former senior leaders continue to influence government policy. Deng Xiaoping remains first among equals in this group despite his formal retirement in October. The senior party leadership determines policy, which is then implemented by the Government. According to the 1982 Constitution, the National People's Congress (NPC) is the highest organ of state power. It nominally selects the President and Vice President, decides on the choice of the Premier, and elects the Chairman of the Central Military Commission. It had been granted, and had begun to exercise, increasing independence and influence during the late 1980's. Debates had become much more open, and several important government proposals were sent back for

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further study. During the May-June crisis, some NPC members attempted to convene an extraordinary meeting of the body to revoke the Government's declaration of martial law in Beijing, but were unable to do so. Since that time, the NPC has generally resumed its previous role of ratifying decisions already made by the senior leadership.

The Government neither tolerates dissent nor accepts challenges to its authority. The authorities denounce as "counterrevolutionary" proposals to limit the power of the Party or to alter the nation's ideology. The Government's handling of the spring demonstrations, the killing of its citizens, its subsequent crackdown on dissent, and its massive disinformation campaign aimed at rewriting history demonstrate the senior leadership's determination to retain power.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

China rejects the concept of universal human rights despite its adherence to the United Nations Charter, which mandates respect for and promotion of human rights. Chinese official commentators in recent months have increasingly argued that each nation has the right to define human rights as it pertains to the human conditions existing within that country. No nation or international organization, they say, has the "legal right" to apply its definition of human rights to conditions in other countries. Officials strongly reject any criticism of China's human rights situation by international human rights organizations and other nations, and they assert that international groups and foreign nations use human rights as a means to interfere in China's internal affairs.

A resolution passed by the U. N. Human Rights Commission's (UNHRC) Subcommission on Prevention of Discrimination and Protection of Minorities in August, calling on the Secretary General to collect information on the human rights situation in China, was denounced by the Chinese Government as brazen interference in its internal affairs. China defended its use of force in suppressing the demonstrations in June legalistically, citing the legitimate right of the Chinese authorities "to maintain law and order." It has also rejected Amnesty International's August 1989 report condemning the June massacre, and it has harshly and aggressively attacked the VOA for its coverage of and commentary on the June events.

In October the Government denounced the awarding of the Nobel Peace Prize to the Dalai Lama, who has been an outspoken critic of human rights violations in Tibet, as "gross interference in China's internal affairs" and as "hurting the feelings of the Chinese people." A Ministry of Foreign Affairs spokesman on October 7 said that awarding the Nobel Peace Prize to the Dalai Lama "constitutes open support to the Dalai Lama and the Tibetan separatists in their activities to undermine and split China."

There are no organizations within China which specifically monitor or comment on human rights conditions. The Government crushed an incipient human rights monitoring group--Amnesty 89--following the June crackdown and has made it clear that it will not tolerate the existence of such a group. It has reacted with equal defensiveness to international accusations of human rights violations in Tibet. Authorities have refused

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to respond to charges of human rights violations in connection with the killing of demonstrators in Lhasa on March 5-7. They have generally not permitted reporters or human rights workers to visit Tibet, have refused diplomatic requests to discuss human rights issues, and have generally denied diplomats access to Tibet.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While laws designed to protect women and minorities exist, in practice discrimination persists in housing, jobs, education, and other aspects of life based on sex, religion, race, and class. The 1982 Constitution states that "women in the People's Republic of China enjoy equal rights with men in all spheres of life," and it promises, among other things, equal pay for equal work. In fact, however, the general status of women is not equal to that of men, and there was no significant improvement in upholding women's rights or in the working conditions of women in 1989. By many standards, the status of women has regressed in recent years. Within the work force, 83 percent of the 220 million women employed perform physical labor. Seventy-seven percent of employed women work in agriculture, 13 percent in industry, and 4 percent in the service trade. In industry, most women are employed in lower skilled and lower paid occupations. The number of professional women is low. Women who graduate from college are less likely than men to be placed in prestigious positions. There is a significant wage gap between men and women performing the same tasks.

China's recent enterprise and labor reforms have sought to streamline enterprises and give workers greater job mobility. Women apparently bear the brunt of these reforms in terms of job insecurity and cutbacks in welfare programs. Many employers have admitted they prefer to hire men, citing the avoidance of maternity leave and child care provisions as their chief reason. Complaints from women of discrimination, unfair dismissal, demotion, or wage cuts when they needed maternity leave have risen significantly. There has been an increasing number of reports of young women in the special economic zones being fired when they become pregnant or reach child-bearing age. The New China News Agency reported that during factory efficiency drives in the second half of 1987, over 60 percent of "redundancies" were women. To combat the problem, on July 25, 1988, the State Council issued a regulation on female employees' legal rights, stating that work units will not be allowed to discriminate against women or reduce their maternity benefits, but there is no evidence that the regulation has been implemented effectively.

While the gap in the education levels of men and women is narrowing, the majority of the educated, particularly the highly educated, are men. Women now make up 37.4 percent of high school students and 25.7 percent of university students. Similarly, a disproportionate number of government-funded scholarships for overseas study go to men. Women also reportedly need higher scores than men to gain admission to select universities.

There are reports of violence against women, particularly wife beating, selling of women for wives, abuse of female children, and female infanticide in some rural areas--practices the Government condemns and attempts to curb. The Chinese have

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admitted that there is very little legal recourse to curb what is a traditional tolerance for abuse of women. Selling women for wives is a growing problem; in December the Government began a campaign against the practice, labeling it one of "six evils" to be eradicated. Official statistics are lacking but unofficial estimates are in the tens of thousands. A New York Times article quoted a confidential government document in September that cited the rising cost of traditional rural weddings (more than \$2,500) versus the cost of buying a wife (\$500 to \$800) as one reason for the practice. Female children are seen, particularly in the countryside, as unproductive. They will leave the family and not provide assistance for the parents' retirement (as sons are expected to do). Some provincial and local authorities have attempted to ease this traditional bias by facilitating establishment of retirement homes. Many female children are forced to work long hours at an early age and are sometimes beaten if chores are not completed. Numerous reports tell of young girls being removed from school at the age of 8 or 9 to work in rural enterprises or the fields so that their families can "make some money from them before they leave home."

Chinese authorities have not succeeded in stopping abductions and the trading of women and children. People's Daily reported on November 15 that between 1981 and 1988 some 16,000 women and 900 children who were abducted in Shandong Province were saved by authorities. Of the more than 14,000 arrested for abducting women and children, 22 percent or 3,100 were sentenced to prison. The number of abductions nationwide is not known, but the statistics from Shandong would indicate that the number is high.

The economic progress of minorities is viewed by the Government as one of its significant achievements. Ethnic minorities benefit from special treatment in marriage and family planning, employment, and university admission. Nevertheless, discrimination based on ethnic origin persists. The concept of a largely homogeneous ethnic race of the Han people pervades the general thinking of the majority Han Chinese. Less than 7 percent of the population belong to one of the 55 designated ethnic minorities. Most reside in areas they have traditionally inhabited. Their standards of living remain far below the national average. Despite the CCP's avowed policy of increasing minority representation in the Government and in the CCP, ethnic minorities are effectively shut out of all but a few leadership positions and play a minor role in decisionmaking. Some minorities resent Han officials holding key positions in minority areas. Tibetans in Tibet and Uighurs in Xinjiang have demonstrated against Han Chinese authority. PLA troops are stationed in these areas, and martial law remains in place in Lhasa. During an inspection tour of Xinjiang August 26, Minister for Public Security Wang Fang accused Uighur separatists of fomenting local instability.

Section 6 Worker Rights

a. The Right of Association

The PRC's 1982 Constitution guarantees "freedom of association," but the guarantee is heavily qualified by references to the interest of the State and the leadership of the CCP, and, in fact, workers do not have the right to form or join independent unions of their own choosing. Union membership is theoretically voluntary for individual

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employees, but each enterprise must have a union and each union must join the All-China Federation of Trade Unions (ACFTU), nominally an independent organization, but in fact closely controlled by the CCP and the only legal national federation. Virtually all state-sector workers and nearly 90 percent of all urban sector workers belong to ACFTU chapters.

The right to strike, which had been included in China's 1975 and 1978 Constitutions, was removed from the 1982 Constitution on the grounds that the political system had eradicated class contradictions between the proletariat and capitalists. However, in 1983 the ACFTU Chairman stated that if a trade union and its labor protection safety officers found that a workplace was too dangerous, the union should organize the workers to leave the hazardous areas. Thus, authorities usually view strikes as justified only when they respond to problems such as a sudden deterioration in safety conditions. Nevertheless, strikes and, more commonly, work slowdowns do occur. In the first half of 1988, 49 strikes were reported officially. The number for 1989 is unknown, but reports of job actions in support of prodemocracy demonstrations in the spring of 1989 were widespread. Strikes and slowdowns generally occur over distribution of benefits or safety concerns at individual enterprises. They are usually resolved without the need for intervention from outside the enterprise. The usual role of the trade union in such strikes is to persuade the workers to return to their jobs.

During the countrywide political demonstrations in the spring of 1989, "Workers' Autonomous Federations" (WAF) were formed in major cities. The Beijing WAF claimed to represent over 100,000 workers from 40 industries in the capital. WAF leaders insisted they wanted to organize legally and did not oppose the rule of the CCP. The concerns of the WAF included bureaucratic corruption, wage disparities between workers and plant managers, the absence of workplace democracy, the lack of genuine workers' representation in the policymaking process, and poor safety and working conditions. Established primarily to mobilize and express workers' sympathy for the demands of student demonstrators, the WAF did not have time to build organizations at the enterprise level. Thus, although there are workers who purport to carry on the work of the WAF, the June crackdown apparently destroyed the federations. Many observers believe concern over growing worker support for students' demands prompted the Government to order troops into Tiananmen Square on June 3-4. According to international eyewitnesses, most of the Beijing WAF leaders were killed during the massacre.

After June 4, workers became a primary target of government reprisals. The Hong Kong Trade Union Education Center (HKTUEC) compiled a list of 211 workers arrested in connection with the demonstrations. According to the HKTUEC, 89 were held on charges related only to their participation in the autonomous federations. All of those known to have been executed for offenses linked to the demonstrations were manual workers.

At the ACFTU annual conference in December, its appointed president declared that "trade unions must implement resolutely the party's line and general and specific policies." A senior party official, addressing the conference, demanded that party committees at all levels "exercise centralized leadership" over the union movement. He explicitly ruled out the formation of independent unions:

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organizations that contravene the "Four Cardinal Principles," put forward proposals contrary to party policy, or threaten state stability, would be "dealt with according to the law immediately."

The ACFTU claims to have contacts with trade unions in over 120 countries or regions and has stated that it will establish links with foreign unions regardless of whether they are affiliated with Western, Communist, or other federations. However, its relations with the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) have been strained. China has ratified neither ILO Convention 87 regarding Freedom of Association nor Convention 98 on Collective Bargaining. The ICFTU vigorously protested Chinese violation of worker rights at the ILO Conference in Geneva shortly after the Beijing massacre. In November, the ILO's Governing Body approved stiff detailed questions on the death of workers during the massacre, arrests, death sentences, and executions, and government allegations against the WAF.

b. The Right to Organize and Bargain Collectively

The Government does not permit collective bargaining. The terms and conditions of employment, including wages, are unilaterally determined through administrative regulations which are treated as confidential material and are not publicly available. Without legal status as a collective bargaining body, the ACFTU's role has been restricted to consultation in decisionmaking on wages and wage reforms. Trade unions have limited themselves to channeling workers' complaints to the management of individual enterprises or municipal labor bureaus.

Clause 33 of the "Provisional Directive on Private Enterprises in the PRC" issued on June 3, 1988 states that trade unions in private enterprises have the right to represent employees and to sign collective agreements with the enterprise. Depending on how it is implemented, this could form a basis for important new trade union rights in China.

Under the labor contract system, which now covers approximately 10 percent of the work force, individual workers may negotiate with management over contract terms. In practice, however, very few are able to negotiate effectively on salary and fringe benefits. At its October 1988 National Congress, the ACFTU leadership recognized that it would need to be more responsive to worker demands for benefits and improved safety conditions or face worker demands for a more independent union. In reaction to the creation of the WAF, the party began efforts to reassert control at every level of the union structure. Thus, unions enjoy less freedom of action than they have had for the last several years.

Labor practices in the Special Economic Zones do not vary substantially from national practice. Although there are reports of child laborers working in the Special Economic Zones, the practice appears more prevalent in small enterprises in the rural areas. Wages in the Special Economic Zones, like those in other Chinese enterprises, are set by the factory management in consultation with the factory Worker Congress. In general, wages in foreign-invested joint ventures tend to be higher than in Chinese enterprises.

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Although Chinese workers still do not have complete mobility, foreign-invested joint ventures are given greater freedom to recruit workers than their Chinese counterparts are allowed. Like Chinese state-run and collective enterprises, joint ventures are required to have unions and to provide office space and facilities for union activities.

c. Prohibition of Forced or Compulsory Labor

China is still considering ratification of ILO Convention 105 on Forced Labor. Assignment of minor offenders to punitive "education through labor" camps without benefit of trial would appear to violate the Convention. Prisons and labor reform camps are expected to be partially self-supporting and thus require productive and profitable labor, with little compensation, from their inmates. Some observers consider the recent directives requiring students to perform manual labor during the school year and university graduates to work for a year or more in "grassroots units" before pursuing careers or graduate study as another form of compulsory labor. More broadly, the longstanding practice of unilaterally assigning school graduates at all levels to specific jobs and effectively trapping them in those jobs through the worker's dependence on the work unit deprives workers of any significant degree of choice in employment.

d. Minimum Age for Employment of Children

Regulations promulgated in 1987 prohibit the employment of school-age minors who have not completed the compulsory 9 years of education. The employment of child labor is pervasive, however, particularly in the rural areas and reportedly in the special economic zones. In addition, many private enterprises regularly employ children, often falsely representing them as the children of the enterprise owner. The problem is most serious in Guangdong Province, where a recent State Statistical Bureau survey found that only 71 percent of the province's school-age children were attending school. As noted (Section 5), there have also been increasing reports of children, particularly girls, being removed from school at the age of 8 or 9 to work in the fields. In September 1988, the Ministry of Labor issued a circular designed to curb pervasive child labor problems. It imposes severe fines, withdrawal of business licenses, or jail for employers who hire child laborers under 16 years of age. According to Ministry of Labor officials, however, the circular cannot be fully implemented until a national conference is convened sometime in 1990 to discuss the problem of child labor. Guangdong has not yet promulgated any regulations to enforce the 1987 directive.

e. Acceptable Conditions of Work

China has not yet adopted a labor code, and deliberations on a draft labor law appear to have been derailed by the post-June crackdown. There is no minimum wage in China, although administrative regulations apparently fix the minimum at between \$9 and \$13 per month. A large proportion of a worker's income comes in the form of bonuses or subsidies added to a basic wage rate. For example, many foreign investors have found that basic salary costs may make up as little as 20 to 30 percent of overall costs per employee. As part of a comprehensive economic austerity program initiated in late 1988, the Government is attempting to reduce the amount of bonuses paid to workers.

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The maximum and normal workweek is 48 hours, of which 3 to 12 hours are generally spent in political study or "education" on current social issues. The time spent in political study increased sharply in the second half of 1989, particularly in work units whose members had been active in the spring demonstrations.

At factories and construction sites, occupational health and safety are constant themes of posters and campaigns. Every work unit of any size must designate a health and safety officer; the ILO has established a training program for these officials. Even so, general health and safety conditions in the workplace are extremely poor. The safety consciousness of both workers and managers is generally very low. State procurators deal annually with thousands of negligence and accident cases involving criminal or civil liability. The absence of a national labor code, however, makes enforcement of safety regulations extremely difficult.

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Taiwan in 1989 continued its transition from an authoritarian political system dominated by the Nationalist Party (KMT) to a more open and pluralistic system. In January the authorities legalized the establishment of opposition political parties. The largest opposition group, the Democratic Progressive Party (DPP), registered as a legal party in April and vigorously contested the island-wide elections in December. The elections were the most free and fair in Taiwan's history.

The Legislative Yuan (LY), Taiwan's lawmaking body, continued to expand as a forum for policy debate. DPP and younger generation KMT legislators representing Taiwan constituencies influenced the policymaking process through interpellations and criticism of the Executive Yuan (the Cabinet). The LY is gradually becoming a more representative body as elderly members representing Chinese mainland constituencies die or retire. However, Taiwan's central parliamentary bodies, including the National Assembly (the Electoral College) as well as the LY, remained constituted under a representational formula that maintains the predominant role of the KMT. The authorities have initiated reforms to enhance the representative nature of these bodies, but changes remain controversial, both within the KMT and between the KMT and the opposition.

Native Taiwanese comprise an estimated 85 percent of the island's population, with Chinese mainlanders and their offspring comprising the remainder. As increasing numbers of Taiwanese and younger generation "mainlanders" ascend to leading administrative and political positions, including within the KMT, the dominant position of old guard KMT mainlanders continues to erode. However, leadership of the military and security agencies has remained predominantly mainland.

The military's role in politics has been reduced considerably since the lifting of martial law in 1987. However, several cases in 1989 raised questions about the military's level of tolerance for opposition criticism.

Taiwan's economy continued to grow at a rapid pace, with per capita income reaching a level of approximately \$7,000. The unemployment rate was under 2 percent, with a resulting demand for immigrant labor. While basically a freemarket economy, major sectors--including finance, steel, shipbuilding, utilities, transportation, and petrochemicals--continued to be dominated by state-run enterprises. The trend, however, is towards greater economic liberalization. Privatization of state-run enterprises remained on the political agenda.

Human rights, already improved in comparison with the pre-1987 martial law period, continued to expand in 1989. While the trend towards a more open and pluralistic system continued in 1989 with the legalization of opposition political parties, important restrictions still remain. Principal areas of concern included restrictions on freedom of speech, press, movement, association, the right of citizens to change their government, and worker and women's rights. There were also concerns about politically motivated prosecutions, selective enforcement of the laws, and unfair campaign practices, including restrictions on access to the mass media.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or extrajudicial killings.

b. Disappearance

There were no reports of persons being abducted or secretly arrested by the authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although Taiwan law expressly prohibits the use of torture, there continued to be credible reports of persons subjected to torture while in police custody. In some instances the authorities paid compensation to victims. There were two reported cases in 1989 of seven policemen given suspended sentences for such abuses. Ministry of Justice officials claim that all interrogations conducted by the Ministry's Investigation Bureau are tape-recorded and that all allegations of mistreatment are investigated. They also say that the right of persons to have an attorney present during interrogation is another check on torture. However, criminal lawyers and legal scholars note that abuses most often occur in local police stations where interrogations are not recorded and that most persons do not have attorneys present at the interrogation stage.

d. Arbitrary Arrest, Detention, or Exile

Police may legally arrest without a warrant anyone they suspect of committing a crime for which the punishment would be 5 years or more in prison and may call in persons for questioning without a formal summons. Critics in the legal establishment, the press, and the legislature point out that these procedures sometimes lead to abuses. Persons called in for questioning by the police are sometimes arrested without a warrant after questioning.

Taiwan law requires that, within 24 hours after an arrest, the arresting authorities must give notice in writing to the arrested person and his designated relative or friend, stating the reason for the arrest or detention. The code of criminal procedure specifies that the authorities may detain an accused person for up to 2 months during the investigation phase prior to filing a formal indictment, and for up to 3 months during the trial. Furthermore, during the investigative phase, the prosecuting officer may apply to the court for one extension of 2 months. The period of detention during trial may be extended twice. The authorities generally have followed these procedures and extended the periods of detention, although trial usually takes place within 3 months of indictment. Persons indicted for relatively minor criminal offenses can be released on bail at the judge's discretion.

The right to have a lawyer present during the investigation phase is generally respected, but defense lawyers complain that persons often are not advised of their right to have legal representation during police interrogation, and there is

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no legal requirement that indigent persons be provided with counsel.

In July 1985, the Legislative Yuan passed the "antihoodlum" law, which accords police authorities broad powers, including the power to determine whether a person should be designated as a "hoodlum." The civil courts confirm or deny police requests to remand alleged hoodlums for reformatory education. Human rights organizations and defense attorneys criticize the law as an extreme departure from appropriate standards of due process. Alleged hoodlums can be held incommunicado without legal representation, and their families need not be notified of their arrests. Attorneys for persons charged under the law have no right to examine documents or to cross-examine witnesses. There is no appeal from the decision to commit someone for reformatory education. Critics say that courts simply put a rubber stamp on police decisions.

Prior to the lifting of martial law, reformatory education for "hoodlums" was under the exclusive jurisdiction of the military. The process of transferring all nonmilitary prisoners to civilian control has been completed. The law does not authorize the courts to determine the length of reformatory education; police and prison authorities decide. The usual term is 3 to 6 months for a first offense. Repeat offenders are detained for longer periods and detention may be extended up to 3 years, depending on behavior in custody.

The antihoodlum law replaced a 1984 executive decree that did not set a time limit on incarceration. As of the end of 1988, authorities acknowledged holding 1,297 persons incarcerated under the decree and the succeeding law. This comprised about 10 percent of the prisoner population at the time. Authorities insist that they do not know how many of those now in custody are being held under the antihoodlum law.

Many minor crimes on Taiwan are handled under the police offenses law which authorizes police to punish an offender with incarceration of up to 14 days, a fine of no more than approximately \$11.50, or forced labor of no more than 16 hours. Despite the 1980 opinion of the Council of Grand Justices (theoretically empowered to decide constitutional issues) that the statute is unconstitutional, it continues to be used, pending the enactment of a law for the maintenance of social order now before the legislature.

Under the executive decree and the police offenses law, the authorities reportedly imprisoned some 4,000 people in an anticrime sweep in 1984. The authorities say that all these have now been released but the laws which fail to provide basic due process protection remain on the books. There were complaints that police in certain localities threatened workers for opposition party candidates in the December 2 general elections with prosecution under the antihoodlum law or similar laws if they did not refrain from campaigning.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Taiwan's legal system is based on European and Japanese models and does not provide for trial by jury. All judges are appointed by, and responsible to, the Judicial Yuan. Informed observers characterize the judiciary as not fully independent and as susceptible to political and personal pressure.

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Since the lifting of martial law on July 15, 1987, civilians may no longer be tried in military courts. Trials are public, but attendance at trials involving juveniles or politically sensitive issues may require permission from the court. Defendants have a right to an attorney, but an attorney will be assigned by the court only in serious cases. In all other cases, responsibility for obtaining counsel rests with the defendant.

In a typical court case, parties and witnesses are interrogated by a single judge but not by a defense attorney or prosecutor. The judge may decline to hear witnesses or to consider evidence a party wishes to submit. Civil and criminal law specifically provide the defendant with protection from self-incrimination.

Court cases generally are heard in several brief court sessions, often separated by weeks or months. Persons convicted in cases where the sentence exceeds 3 years have a right to review. The Supreme Court limits its review to the legal aspects of the case and to specific procedural aspects. The National Security Law stipulates, contrary to provisions in the original martial law decrees, that convictions under martial law cannot be appealed in the postmartial law period.

In most cases, judicial decisions must be approved by higher court authorities before pronouncement. Although this power is supposed to be restricted to correcting errors of law and usage of legal terms, observers say this dilutes the authority of judges and tempts outside interference with the judicial process. In 1987 a review of judicial procedures initiated by the authorities proposed abolishing this practice. Changes have been made in the review procedure, but the practice continues.

The authorities continued to try political opponents on charges ranging from "sedition" (defined to include expressing sympathy with Communism, espousing views contrary to the authorities' claim to represent all of China, and supporting an independent legal status for Taiwan) to "harming public order" (arising from demonstrations led by the opposition). Two prosecutions for sedition were initiated in 1989, and three others were appealed or had final appeal denied. In one case, a new trial was ordered. In all cases but one, defendants were members or supporters of the opposition DPP.

The authorities deny holding political prisoners. However, international human rights organizations and pro-opposition Taiwan human rights groups have estimated that there are between 12 and 25 political prisoners in Taiwan. This figure is down from some 90 to 100 political prisoners held in 1986. In 1987 and 1988, the authorities granted early releases to most political prisoners. Of the eight persons convicted by military courts of sedition in 1980 for their role in the 1979 Kaohsiung Incident, all but one have been released.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Warrantless searches, common before the lifting of martial law, are unusual now. A warrant must be obtained before a search, except when the search is incident to arrest. The exception is car searches which are routinely conducted at roadblocks.

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Although the right to privacy is generally respected, members of opposition political parties and other political dissidents do experience invasion of privacy. Oppositionists allege that authorities routinely intercept correspondence and telephone calls and subject them and their associates to surveillance by agents of the security forces. The authorities deny that telephone conversations are monitored, or that oppositionists are routinely subjected to surveillance.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the Constitution provides for freedom of speech and press, these rights continue to be restricted in practice. Nevertheless, the authorities have demonstrated increasing tolerance for open debate, even on sensitive issues.

Security forces continue to monitor political expression, both in Taiwan and overseas. Under Taiwan law, people may not oppose the regime's basic policy of anticommunism or its claim to sovereignty over all of China. Prosecutions for allegedly promoting communism are unusual but do occur. In October 1988, a Hong Kong merchant was convicted of sedition for having been a member of the Communist Youth League as a student in the early 1970's. He was acquitted by a higher court, but the prosecution appealed and a new trial was ordered. He was retried in late 1989 and acquitted. In June 1989, a videocassette seller was sentenced to 7 years in prison for showing and selling a tape of a Peoples Republic of China (PRC) National Day parade at an opposition party rally, even though a local television station, which is partially controlled by the armed forces, played the same tape on an evening broadcast.

Those who question the legitimacy of Taiwan authorities by supporting independence for Taiwan risk being charged with sedition. While many public speeches and articles favoring independence go unpunished, the threat of punishment remains real. The editor of an antigovernment, proindependence magazine, Cheng Nan-jung, was charged with sedition for printing the text of a proposed constitution for an independent Taiwan. He committed suicide rather than allow himself to be arrested. In December Huang Hua, a veteran oppositionist, was ordered to appear at a hearing on possible sedition charges in connection with his call for an independent Taiwan. He failed to appear at the hearing. At year's end a formal indictment was expected. In an extraterritorial extension of domestic law, Taiwan convicted dissident Hsu Hsin-liang in December of "preparing to use illegal methods to overthrow the government" and sentenced him to 6 years and 4 months in prison. Evidence for the alleged conspiracy included Hsu's published articles and statements attributed to him while in the United States.

Charges of sedition are brought even in cases other than alleged promotion of communism or advocacy of independence. An opposition editor was convicted of sedition for printing an article accusing a senior military figure of plotting a military coup. However, the military tried unsuccessfully to persuade the courts to prosecute an opposition-oriented newspaper, its publisher and director with sedition for publishing an article criticizing alleged waste of public money and abuse of power by senior officers.

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The authorities censor publications through provisions of the Publications Law which empower the police to seize or ban printed material that commits or instigates others to commit sedition, treason, sacrilege, offenses of interference with the lawful exercise of public functions, or offenses against public order or morals. Since the lifting of martial law, publication bans and confiscations declined significantly.

Although direct censorship of newspapers and magazines has virtually ended, the KMT and the Government Information Office (GIO) continue to exert some influence over the major daily newspapers through guidance, political connections, and threats of legal action and revocation or suspension of licenses. A number of libel suits were brought by military officers alleging defamation by opposition journalists who criticized them.

The authorities have loosened restrictions on publications from the Chinese mainland, and the works of many mainland authors have been reprinted. However, even nonpolitical works by persons in the PRC Government may be deemed unsuitable for publication. Before the lifting of martial law, officials routinely censored other foreign publications. They continue, sporadically to restrict articles or periodicals they deem offensive, but, overall, there is less official interference with the free flow of international news than in the past.

In contrast with the relatively unrestrained and highly competitive environment in which the print media now operate, television and radio remain tightly controlled. The authorities partially or wholly own all three television stations. Television coverage of sensitive political subjects is restricted and slanted. Oppositionists charge that the military and the authorities control or own 82 percent of the radio stations. Requests by opposition politicians to open their own radio station have been turned down. The authorities' continuing efforts to jam PRC radio broadcasts have been ineffectual.

Restrictions on academic freedom remain. Campus publications can be and are censored by school administrators; the severity of censorship varies widely from campus to campus. Student demonstrations occur and are tolerated, at least within university campuses, but dissident students risk being disciplined if they express their opinions too vigorously. Male students risk being harassed after graduation when they report for military service if their records show dissident activity in college. Colleges and universities have "education officers," who are military officers seconded to the Ministry of Education for the purpose of teaching the thought of Sun Yat-sen but who also monitor student attitudes and behavior. Teachers are pressured to discourage students from taking part in demonstrations. Teachers themselves risk being disciplined and harming their careers if they hold unorthodox views. Changes, however, are taking place on campus, and the trend is to separate professional from political activity. In early 1989, the faculty of National Taiwan University (NTU), the most prestigious university in Taiwan, voted to prohibit faculty members from holding concurrent party and university positions. Since the vast majority of such cases involve concurrent KMT party positions, the effect is to enhance the independence of the faculty from political control. NTU also in 1989 recognized an independently elected leader of the student union.

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b. Freedom of Peaceful Assembly and Association

Freedom of assembly is provided for in the Constitution but was restricted under martial law. In 1987 the Legislative Yuan passed the Assembly and March Law which allows peaceful demonstrations. They must be approved by the authorities and must not violate the Constitution or advocate communism or Taiwan's separation from China. The DPP and other opposition groups have organized and carried out numerous demonstrations under the new law.

The new law provides, however, that demonstration organizers may be held responsible for the behavior of participants. Oppositionists have been prosecuted for alleged harm to public order and interference with public functions resulting from demonstrations they organized. In April 1989, DPP legislator Chu Kao-cheng was convicted of disturbing public order at a demonstration in the previous month and given an 18-month suspended sentence. In June DPP Taipei City Council member Hsieh Chang-ting was sentenced to 18 months' imprisonment in connection with a demonstration outside the LY on June 12, 1987. DPP National Assembly member Hong Chi-chang was sentenced in October to 15 months in the same case and to 18 months in connection with another demonstration on May 20, 1988. Prosecutors deny that politics plays a part in decisions to lay charges, but most observers believe that prosecutions of oppositionists are often politically motivated.

The Election and Recall Law was amended in January 1989. It supports and strengthens the right of assembly by permitting political parties to organize, advertise, campaign, raise funds, and financially support candidates. The new law relaxes restrictions on the types of rallies, the time candidates may speak, and the use of loudspeakers. Although the new law retains the restriction on campaigning to the 2-week period before the election, in practice this was not observed and no prosecutions were undertaken.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The constitutional provision for freedom to practice religion is generally observed in practice. Most Taiwan inhabitants adhere to Confucianism, Taoism, Buddhism, animism, or a combination of these beliefs. Other religions include Christianity and Islam. There is no established or favored religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the freedom to change residence, but registration of one's residence is required. Except for military and other restricted areas, there is general freedom of internal travel. An exit permit is required for travel abroad. Emigration and private travel abroad have become freer since 1987 when the authorities began to allow travel to mainland China to visit relatives. There are now no countries to which civilian residents of Taiwan may not travel.

Exit permits may be refused for a number of reasons, including failure to complete compulsory military service. Under the implementing regulations of the 1987 National Security Law,

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however, reasons for refusal must be given, and appeals may be made to a special board. Although in the past outspoken critics have been denied exit permits, no one was denied in 1989.

The authorities claim to recognize the right of Chinese who hold Taiwan passports, and who normally reside in Taiwan, to return from abroad. Nonresident citizens are usually issued "overseas Chinese" passports and require visas to travel to Taiwan. The authorities will not authorize the entry of Chinese between the ages of 16 and 70, even those who have long held Taiwan passports, if they have lived in Communist-controlled areas within the preceding 5 years. Exceptions include persons of outstanding merit and mainland residents coming because of the serious illness or death of close relatives.

The authorities continue to deny visas to a number of overseas critics for political reasons. These included individuals who wanted to observe the December elections. A number of dissidents who entered without visas were subsequently either deported or prosecuted for illegal entry, including Columbus Leo, a Canadian citizen who received a 10-month sentence for violating Taiwan's National Security Law.

A 1984 law authorizes the authorities to detain persons or revoke their passports for behavior which harms the interests of Taiwan, or endangers security, public order, tradition, or Taiwan's economic interests. Critics of the law state that it gives the authorities the power to revoke the passport of any Taiwan citizen who makes remarks overseas that are deemed inimical to the interests of the Taiwan authorities. They argue that this violates the right of all citizens to return to their homeland. This law is not used frequently. Increasing numbers of Taiwanese dissidents previously denied reentry are now being permitted to return; however, a number of overseas Taiwanese dissidents still considered "undesirable" by the authorities have been denied entry into Taiwan under this legal provision.

Under Taiwan's "Orderly Departure Family Reunification Program," since 1977 more than 5,850 ethnic Chinese from Indochina have been resettled on Taiwan, and more than 3,000 persons who arrived from Indochina by small boats have been granted "temporary" refuge. Fifty-nine of the boat-people found sponsors and resettled on Taiwan. The others have been resettled in third countries. Although 168 remain officially classified as refugees, they have been practically resettled in Taiwan, and the refugee camp has been officially closed since late 1988. There have been no reports of refugees from non-Communist areas; authorities advise that such instances would be dealt with on a case-by-case basis. Indochinese refugees are not forced to return to their country of origin.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Taiwan has taken some significant steps away from its authoritarian political system to a more pluralistic one, but the people do not yet have the ability to change their government through democratic means. Political power still resides with the KMT, which established itself in Taiwan after the defeat of the Japanese in 1945. Reflecting their constitutional claim to be the government of all of China, the authorities maintain not only a provincial and local

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government system but also an array of central-level political bodies identical to those found on the mainland prior to 1949. In the past, centers of power on Taiwan have been the Presidency, the Executive Yuan, the military and security apparatus, and the KMT Central Standing Committee. Today, power is increasingly being shared with the Legislative Yuan which, in turn, is increasingly representative.

Mainlander control of political power, however, has been gradually diminishing as more Taiwanese have taken over important leadership jobs. Taiwanese Lee Teng-hui's accession to the Presidency and the KMT chairmanship, after President Chiang Ching-kuo's death in January 1988, was a particularly visible indicator of this trend. Native Taiwanese now comprise a majority in the Cabinet and the Central Standing Committee. As a result of these changes, Taiwan's top decisionmakers are gradually becoming more representative of, and more responsive to, their constituents. This trend also reflects the impact of political reforms in fostering accountability as well as generational changes in which younger and more highly educated leaders of both Taiwan and mainland origin have been appointed to positions of authority.

The most important elective bodies at the central level are the Legislative Yuan (the highest lawmaking body) and the National Assembly, which convenes every 6 years to elect the President and Vice President. There have been no general elections to these two bodies since 1948. Surviving mainland representatives elected in 1948 continue in office and form the majority of these bodies. Additional representatives from Taiwan province and the offshore islands have been chosen since 1969 in periodic "supplementary elections." Nevertheless, of the 768 National Assembly seats filled as of the end of 1989, only 84 are supplemental members. Of the 250 Legislative Yuan seats filled as of the end of 1989, 67 were supplemental legislators elected in Taiwan. These 67 were the most active members in the legislature, due largely to the advanced age and incapacity of those elected four decades ago.

In the face of persistent and growing calls for more representative institutions, the KMT has committed itself to rejuvenating the central parliamentary bodies. Elections on December 2, 1989, increased elected legislative seats to 101. Plans have been announced to triple the number of elected National Assembly delegates by 1992. There is also a draft retirement plan for aging mainlander representatives to encourage them to step down voluntarily. The authorities, however, have refused to adopt any comprehensive measures to end the mandates of those parliamentarians, believing that it would call into question their claim that these bodies represent all of China. Suspicious that the KMT is seeking unfairly to prolong its majority, the DPP is calling for the complete reelection of all central parliamentarians by the people of Taiwan. Even some supplemental KMT legislators call for the retirement of members serving indefinite terms.

The KMT continues to be the dominant political party in Taiwan, as has been the case since 1945. Originally composed overwhelmingly of mainlanders, its membership of over 2 million is now more than 70 percent Taiwanese. There are also two miniscule, nominally independent, parties which came from the mainland. The KMT's structure and control mechanisms are based on Leninist models; however, the party's operations are considerably more flexible. In 1988 the KMT began to remove

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formal party organs from the military and the school systems and to democratize its party structure.

The passage of the Civic Organizations Law in January 1989 legalized the organization of political parties. The major opposition party, the DPP, was formed in 1986 in defiance of martial law; it registered as a political party in April 1989. The Labor Party was formed in 1987 and the Workers Party, an offshoot of the Labor Party, in March 1989. At present there are 38 registered parties.

The DPP claims a membership of 25,000. The other opposition parties are much smaller. The role of the opposition is greater than its small numbers might indicate. Opposition members are very vocal in elective bodies and frequently use interpellation sessions to raise controversial or sensitive issues. Their activities have spurred some KMT legislators to criticize regime policies openly.

Opposition candidates still face several disadvantages in the election process, principally the authorities' virtual monopoly of television and radio. The Central Election Commission remains under the control of the Executive Yuan. Half its membership of 14 is KMT, one is DPP, and the remainder are independent. The Control Yuan (the highest supervisory organ) continues to be indirectly elected under a voting system that guarantees KMT domination. Persons convicted of sedition under martial law, including some of the best known figures of the opposition, continue to be barred from voting, holding public office, and practicing certain professions. The benefits the KMT enjoys in terms of access to public and private funds and assistance from administrative and security agencies give it an unfair advantage according to opposition politicians. Finally, although the law prohibits vote-buying and bribery, critics of the electoral system say that the law is ineffective in preventing such practices.

Nevertheless, the December elections were an important milestone in Taiwan's evolution to a more democratic system. The KMT won about 58 percent of the overall popular vote, down from 70 percent in 1986, and the DPP increased its popular vote from about 23 to 30 percent.

Universal suffrage exists for citizens 20 years of age and over. Voting is voluntary and by secret ballot; voter turnout in the December elections reached about 75 percent.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Taiwan authorities permit representatives of international human rights organizations, including Amnesty International and Asia Watch, to visit and meet Taiwan citizens freely.

Taiwan has two principal human rights organizations: the Chinese Association of Human Rights (CAHR) and the Taiwan Association for Human Rights (TAHR). The CAHR, staffed mostly by retired officials, is regarded as the establishment-oriented human rights organ. The TAHR is aligned with the DPP. The effectiveness of the two associations is limited, however, by the fact that they do not coordinate activities and, in fact, have contact only when representatives of international human rights organizations visit Taiwan.

TAIWANSection 5 Discrimination Based on Race, Sex, Religion,
Language, or Social Status

Taiwan's only non-Chinese minority group consists of aboriginal descendants of Malayo-Polynesians, slightly more than 1 percent of Taiwan's population, who were already established in Taiwan when the first Chinese settlers arrived. They face no official discrimination but significant cultural and economic barriers. Specially designated seats in both central and provincial legislatures are reserved for representatives of these aboriginal people, and the authorities have instituted a number of social programs to ease their transition into the dominant Chinese society. The aboriginal people complain that they are prevented from owning ancestral lands in mountain areas under the control of the authorities. Furthermore, they are not allowed to use non-Chinese personal names on legal documents. Some complain of economic exploitation by commercial or tourist concerns. The sale of aboriginal children into prostitution is a serious social problem.

The law prohibits sex discrimination, but it exists both de facto and de jure. There are still some laws that discriminate against women, relating mostly to divorce issues and inheritance, but a revised Civil Code passed by the Legislative Yuan in March 1985 provides for more equal treatment of women in the areas of marriage and divorce. Women have complained of being forced to quit jobs because of age or childbearing restrictions, and restrictive quotas exist within certain ministries to control the number of women who may be hired even after passing the rigorous civil service examination. A women's rights movement is active and growing.

Although data on violence against women are not available, women active in politics, human rights, and women's organizations single out intrafamily violence as a serious problem, especially wife beating. There is a tradition of tolerance for wife beating and strong social pressure for abused wives to conceal their treatment to avoid "disgracing" their families. The critics of this violence believe that greater mobility, education, and job opportunities are making women less inclined to tolerate such abuse and more willing to complain of mistreatment, but it is not known if the number of actual complaints filed increased in 1989. A somewhat similar situation exists with regard to rape, since the victims are still socially stigmatized. Under Taiwan law, the authorities may not undertake a prosecution for rape; only the victim may make a complaint. Because rape trials are public, women are reluctant to prosecute their attackers. Rape counseling services are not yet available, but feminist and human rights organizations have assisted rape victims, and victims are now more willing to come forward and press charges.

In 1989 the problem of child prostitutes received considerable public attention. Women's rights activists criticized police for not closing down brothels and judicial authorities for allowing parents to sell their daughters, sometimes repeatedly, into prostitution. According to some reports, violence and coercion are used by brothel owners to prevent girls from escaping.

Although the Taiwanese dialect is the mother tongue of most inhabitants of Taiwan, the authorities forbid its use in the educational system and impose limits on its use in broadcast

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media--Mandarin Chinese broadcasting must not be less than 55 percent on AM radio and 70 percent on FM radio and television.

Section 6 Worker Rights

a. The Right of Association

Labor's right of association is seriously limited by a number of laws and regulations. One of these requires organizers to seek the approval of the authorities to establish unions. Labor unions may draw up their own rules and constitutions, but these must be submitted to the authorities for review. Unions may be dissolved by the authorities if they do not meet legal requirements for certification or if their activities disturb public order. According to official sources, no unions have been dissolved, although certification has been denied where there were competing unions. In the latter cases, the unions were asked to reconcile their differences and file as a single union. Civil servants, teachers, defense industry workers, and administrators acting on behalf of employers are prohibited from organizing unions. Public employees particularly guard their political views for fear of jeopardizing job benefits or opportunities for promotions.

Most of Taiwan's 3,300 unions are controlled by the KMT, but the DPP and Labor Party organizers have made inroads as workers have grown increasingly restive over salary issues and working conditions. In the last 3 years, workers have sometimes rejected KMT or management-endorsed union slates.

The authorities in 1988 moved to strengthen laws regarding workers' right to strike. Revisions of the labor disputes law, which became effective in June 1988, recognize labor's right to strike but place serious restrictions on it. Both labor and management are forbidden from disrupting the "working order" when either mediation or arbitration is in progress. Before a strike can be called, it must be approved by a vote of the full membership of the union. The authorities have required official approval before such a meeting can be called. Applications for arbitration may be made to the local government. The authorities have, in at least one case, not waited for such an application but deemed the dispute to be in arbitration in order to avoid a strike. Stiff penalties may be levied should no-strike/no-retaliation clauses be violated, but critics say that employers have ignored the law and dismissed or locked out workers without any legal action being taken against them. Regardless of legal limitations on the right to strike, however, workers have struck or staged slowdowns with increasing frequency.

Unions may form confederations but no administrative district, including cities, counties, and provinces, can have more than one labor confederation. The Chinese Federation of Labor, the only legal union federation on Taiwan, is closely associated with the KMT and is affiliated with the International Confederation of Free Trade Unions. Taiwan is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

As of September 1989, 2.488 million workers, or approximately 30.13 percent of Taiwan's paid employees, belonged to 3,336 unions. Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are union members. There have been occasional

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reports, however, of antiunion discrimination in labor disputes. The Chairman of the Workers Party was fired in May for union activity, and a foreign priest was abruptly expelled in March because of his involvement in the independent labor movement. Laws governing union activities apply equally within export processing zones.

Collective bargaining is provided for under the collective agreements law but is not mandatory. Only about 341 collective agreements were in force as of March 1989. Since such agreements are made only in large-scale enterprises and less than 5 percent of Taiwan's enterprises fall into this category, the proportion of workers covered by them is small. Legal restrictions on the right to strike and provisions for involuntary mediation or arbitration seriously weaken collective bargaining.

c. Prohibition of Forced or Compulsory Labor

Taiwan law does not allow forced or compulsory labor, except as punishment for crime. However, the police offenses law permits compulsory labor up to a total of 16 hours as punishment for minor crimes without recourse to judicial due process. There have been reports of women and girls being forced into prostitution or prevented from leaving brothels.

d. Minimum Age for Employment of Children

The minimum age for employment is 15, and interaction between the law stipulating this and a compulsory education law effectively keeps child labor to a very low level.

e. Acceptable Conditions of Work

The Taiwan Labor Standards Law, promulgated in 1984, was enacted to provide minimum labor standards. It covers some 3.5 million of Taiwan's 5.6 million paid workers. The law has enjoyed only limited success in several areas, and there is a growing sentiment that it and other labor laws should be strengthened and extended to cover additional workers.

By law, the workweek is limited to 48 hours (8 hours per day, 6 days per week) with certain provisions for overtime. Taiwan in 1988 increased the basic wage, which functions essentially as a minimum wage, to approximately \$342 per month. There is general agreement that the basic wage is less than that needed to assure a decent standard of living; however, the average manufacturing wage is over \$633 per month. Most large firms provide their employees with allowances for transportation, meals, housing, and other benefits which can amount to another 60 to 80 percent of base salary. There are minimum standards for working conditions and health and safety precautions. Unemployment insurance is being studied and may be offered to a small segment of workers in a pilot program.

The authorities' efforts to increase workers' awareness of their rights through union education programs and the establishment of complaint channels appear to be bearing some fruit. In 1988 there were 67 lawsuits filed involving management and labor.

Despite the establishment of the Council on Labor Affairs, many provisions of labor legislation have not been enforced because the number of inspectors is far too small. There are 272 inspectors for approximately 123,000 enterprises covered

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by the Labor Standards Law. In 1988, 13,655 enterprises, 10.6 percent of the total, were inspected. Since most enterprises are small, family-owned operations employing relatives who will not report violations, actual adherence to the hours, wage, and safety sections of various labor laws is hard to document but is thought to be minimal.

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Fiji's multiracial society is about evenly divided between indigenous Fijians and ethnic Indians, with each community constituting approximately 47 percent of the total population. Indians dominate the economy and professions and are prominent in the public service.

Fiji was a parliamentary democracy until May 1987, when the army deposed a newly elected government in a bloodless coup. Coup leader Lt. Col. (now Major General) Sitiveni Rabuka cited Indian predominance in that government as a primary reason for the coup. An interim civilian government, formed in December 1987 when Rabuka's military regime voluntarily stepped down, is headed by Prime Minister Ratu Sir Kamisese Mara, who held that office for 17 years prior to the April 1987 elections. At year's end, the Cabinet consisted primarily of civilians but included Military Forces (FMF) Commander Rabuka and four other military officers. The military remained very influential, especially in security matters.

Sugar is the mainstay of Fiji's economy, with tourism the second largest foreign exchange earner. The economy suffered a severe decline in the wake of the first coup in May 1987, but has made significant progress toward recovery. The Government is promoting light manufacturing for export as a long-term means of reducing dependence on sugar and tourism.

Human rights were less constrained in 1989 than in the previous year, but freedom of the press and assembly remained restricted, and the right of citizens peacefully to change the government remains unclear. Discrimination against Indians and women also remained a problem.

The major human rights issue in 1989 involved efforts to draft a new constitution. The interim Government and the Fijian community made it clear that the constitution, when adopted, will guarantee the political predominance of indigenous Fijians. A September 1988 draft proposed an electoral system heavily weighted in favor of the indigenous Fijians and containing numerous provisions unacceptable to the Indian community, including one interpreted as establishing Christianity as a state religion. The Government subsequently formed an independent, multiracial committee to canvass public views. After hearing many criticisms of the draft, the Constitution Inquiry and Advisory Committee (CIAC) in September 1989 called for extensive revisions to make the document more democratic and remove or dilute several provisions opposed by the Indian community.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by the Government or any political group.

b. Disappearance

There were no known abductions or disappearances.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden under Fiji's Fundamental Freedoms Decree and is not practiced. Physical abuse of detainees occurs but is neither usual nor condoned. An escaped prisoner died during recapture several months ago; one guard was convicted of assault and battery but acquitted on the murder charge. The current situation represents a marked improvement over 1987, when there were numerous credible reports of physical abuse of detainees. Corporal punishment is allowed; strokes of the cane are administered under medical supervision.

d. Arbitrary Arrest, Detention, or Exile

Reports of arbitrary arrest or detention declined markedly in 1989. However, antigovernment political activists were occasionally detained for questioning at the airport when entering or leaving the country. Those detained included the deposed Prime Minister and at least one of his Ministers. Detentions lasted a few hours at most; detainees were reportedly abused verbally but not physically. In one case, a political figure was arrested on a minor fraud charge on a Friday and not allowed bail until the following Monday.

Exile is not practiced formally. It was reported that the authorities have a short list of Fiji citizens restricted from return to Fiji, but this remained unconfirmed. No Fiji citizens were denied reentry in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The court system, reorganized after Fiji's withdrawal from the Commonwealth of Nations in September 1987, remains modeled on the British system. Magistrates' courts try minor offenses. A high court has original jurisdiction in serious cases. An appeals court and a Supreme Court complete the legal structure. The Chief Justice chairs all three higher courts. No special courts exist; military courts try only members of the armed forces. The judiciary is independent, as demonstrated by a magistrate's decision to discharge without conviction about 20 political activists prosecuted for an anticoup demonstration. Due process rights are similar to those found in English common law. Right to a public trial is guaranteed, defendants have a right to counsel, and there is a public defender's office. Right of appeal is maintained. In practice, many trials and appeals have been delayed due to understaffing of the court system. Since habeas corpus and bail are normal procedure, most defendants have not experienced undue imprisonment before trial. There are no political prisoners in Fiji.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In general, privacy of the home is respected. The Internal Security Decree of 1988, adopted following discovery of a smuggled arms cache, allowed warrantless searches, but since its suspension in November 1988 the practice has stopped. Search warrants are required for searches in criminal cases. Surveillance of persons believed to represent a security threat is carried out to some degree. Many political

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dissidents believe their telephones and mail are monitored, but concrete evidence is lacking.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech has largely been restored. Political figures and private citizens can and do speak out against the Government. No arrests for making any kind of public statement were reported in 1989.

Privately owned broadcast and print media operate without prior censorship but with considerable self-restraint under pressure from the authorities. Newspapers refrain from printing editorials severely critical of the Government and do little investigative reporting. Statements about the political situation by opposition figures and foreign governments are reported, however. The letters column of the Fiji Times frequently carries political statements from members of the deposed government and other persons and groups opposed to the Government and the draft constitution. While the press is still less than fully free, the situation is improved over 1987, when the newspapers were closed for 6 weeks. Journalists reportedly receive frequent phone calls from government officials complaining about stories. However, no journalists were detained in 1989; in 1988 two journalists were detained in connection with published stories. Foreign reporters are required to obtain a visa to enter Fiji. Some reporters and television crews have been denied visas.

Fiji is home to the University of the South Pacific (USP), a regional institution. Prior to the coups and immediately thereafter, the USP was a center of opposition political activity. The Government made it clear that it wants the USP, especially its expatriate staff, out of Fijian domestic politics, and some politically active expatriate staff members were denied extension of their work permits.

b. Freedom of Peaceful Assembly and Association

Assembly for political purposes is allowed but restricted. Public gatherings require permission from the authorities, and permits for large outdoor political meetings or demonstrations generally are not granted. Permission was refused for an anti-French demonstration during the visit of the Prime Minister of France, and a political activist was detained briefly at the airport when she was found with an anti-French poster just before his arrival. A group of about 20 people arrested and charged with parading without a permit for a demonstration in downtown Suva in 1988 were discharged without conviction in early 1989.

Political parties are currently operating, and party headquarters, including those of the deposed coalition parties, remain open. Organizations of a political nature are allowed to operate and issue public statements. The Government refuses to negotiate with the political parties from the deposed coalition government.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Freedom of religion is guaranteed and honored in practice. The revised draft constitution underscores the importance of Christianity to Fiji and the Fijian people but guarantees protection for all religions. Since the 1987 coups, most commercial activities on Sundays have been banned. The Sunday bans were relaxed substantially in mid-1989 to allow public transportation and restaurants to operate and to allow agricultural activities and some sports to continue. This provoked a vehement protest from rightwing Methodist clergy, who support reimposition of strict Sunday bans such as were in effect after the September 1987 coup. Methodist clergymen organized protest demonstrations, which led to some arrests. The Sunday bans are opposed by Indians and urban residents, but are popular among rural Fijians. Some Christian leaders oppose any Sunday bans. Despite statements by General Rabuka about "Christianizing" the Indian community, there has been no attempt to translate this idea into public policy. No significant restrictions affect foreign clergy, missionary activity, charitable works, religious publishing and education, or other typical nonpolitical activities of religious organizations.

One foreign priest was deported in 1989 over the strenuous objections of many of his parishioners. No official reason was given, but it is generally believed he was deported as a result of having participated in antigovernment political activity, especially a public demonstration in 1988.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement within the country. Opposition politicians and labor leaders were able to travel abroad and return to Fiji in 1988-89, in contrast to the situation which prevailed under the military government in September-November 1987. Fiji citizens are free to emigrate. According to the best available estimates, between 20,000 and 25,000 have done so since May 1987. Most of the emigrants are Indians, many of them professionals, but Fijians and others have also left. Several thousand have claimed refugee status, especially when applying for admission to Canada, but neither the U.N. High Commissioner for Refugees nor any government has recognized those claims. There are no refugees in Fiji, and no forced resettlement programs.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The right of all citizens to change their government through genuinely democratic means remained uncertain in 1989. Fiji is governed by an interim government comprising a Prime Minister and a Cabinet appointed by the President. At year's end, the Cabinet included senior politicians from Prime Minister Mara's Alliance Party as well as technocrats, five army officers, and some ethnic Fijian nationalists. There were two Indian Ministers. At year's end, the Government was scheduled to step down in January 1990 and hand over power to a second interim government, which would implement a constitution and take the country into elections. It was expected that the new Cabinet would be headed by Ratu Mara. Military members of the Cabinet were expected either to resign their commissions or to return to barracks.

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The proposed constitution provides for a bicameral Parliament. Fijians would hold 37 of 69 seats in the lower house. One seat would be reserved for Rotuma, a Polynesian island culturally distinct from the rest of Fiji. Indians would hold 27 seats, other ethnic groups 4. An upper house with the power to veto legislation would be dominated by Fijian traditional chiefs. A president chosen by the Great Council of Chiefs (GCC) would act as head of state, but a prime minister and cabinet would hold most executive power.

The GCC is an all-Fijian advisory body composed of Fiji's highest traditional chiefs. Provincial representatives to the GCC are designated by provincial councils. The GCC has no administrative role in government, but its approval is a sign of legitimacy within the ethnic Fijian community. The President and Prime Minister are both members of the GCC by virtue of their high traditional positions. According to the interim government, the revised draft constitution is intended to ensure political dominance by the indigenous Fijians, while reinstating a form of parliamentary democracy and ensuring protection for Indian communal interests. Indian political leaders dispute this rationale, saying nothing less than fully proportional representation is acceptable. The CIAC-proposed revisions do provide additional protections for the Indian community compared to the 1988 draft. For example, constitutional amendment procedures would prevent the Fijian members of Parliament from amending the constitution without the concurrence of at least part of the Indian contingent; the previous draft would have permitted the Fijians to pass amendments without Indian support.

Elections are to be held by secret ballot, with voting only by communal constituencies. This latter aspect is a major change from the 1970 constitution, which provided for a complex system of cross-voting allowing Indians a say in the selection of some Fijian representatives and vice versa. The revised draft calls for elections every 4 years but the Government may call an election at any time.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights groups as such in Fiji, but the women's rights movement, the labor movement, and various political groups are involved in promoting a number of human rights causes. The Government regards externally based investigations of the political and human rights situation in Fiji as a violation of its sovereignty. It did allow a visit by a delegation from the International Confederation of Free Trade Unions (ICFTU) in late 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The stated purpose of the 1987 military coups was to ensure the political supremacy of the indigenous Fijian people and to protect their traditional way of life and communal control of land. To this end a number of measures have been taken that favor the Fijian community over the other ethnic groups. The most obvious is the reapportionment of the new Parliament to guarantee a preponderance of Fijians. The Government is also committed to raising the proportion of Fijians and Rotumans in the public service to 50 percent or more at all levels. Many Fijians felt that the precoup public service discriminated in

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favor of Indians, who controlled most of middle management because of their higher educational level. Current promotion and hiring policies in the public service favor ethnic Fijians. The CIAC recommended deleting a provision in the 1988 draft constitution that would have reserved certain senior positions for ethnic Fijians.

Control of land is a highly sensitive issue. About 85 percent of the land is held communally by indigenous Fijians. Most cash crop farmers are Indians, who lease their land from the Fijian villages. Individual title to land is not an indigenous concept; lands owned currently by the crown (6 percent) and by individuals (9 percent) were transferred from customary owners during the colonial period. The present land ownership arrangements were instituted to protect the interests of the indigenous Fijians. Many Indians, particularly farmers, feel that the absence of secure land tenure discriminates against them. The military coups were prompted, in part, by Fijian fears that Indians sought to take away their land.

A major complaint from ethnic Indians is inadequate protection against harassment and crime, at least some of which is racially motivated. In the latter part of the year, five Indian temples and a mosque were subjected to acts of arson or other desecration by a group of Fijian youths. Arrests have been made, and at year's end investigations were continuing. Gangs of Fijian youths sometimes stone or invade Indian homes, stealing property and/or shouting racial abuse. The perpetrators escape more often than not, and the Indian community believes the authorities do not pay adequate attention to the problem.

Corporal punishment is the norm in Fiji schools, and it can be applied quite harshly. Some observers believe that in the current racial atmosphere, some Fijian teachers are applying harsher punishments to Indian students, and vice versa. This trend may be linked to the above-noted increase in racial violence by young people.

Women in both the Fijian and Indian communities have functioned primarily in traditional roles, although some women rise to high places in the public service, politics, and business. Women can attain high status in Fiji's traditional chiefly system, although it is unusual. The Prime Minister's wife is, in her own right, Fiji's second highest-ranking traditional chief. In general, women in the Fijian community are more likely to rise to prominence in their own right than are women in the Indian community. Women have full rights of property ownership and inheritance, and a number have become successful entrepreneurs. Women are generally paid less than men, a discrepancy that is especially notable in the garment industry. Garment workers, most of whom are female, are subject to a special minimum wage considerably lower than that in other sectors. Reliable current statistics on representation of women in traditional men's occupations, business management, and the professions are unavailable. However, relatively few women are employed in these areas.

There is a small but active women's rights movement. A recent area of focus has been violence against women. The movement has pressed for more serious treatment of rape in the courts. The crime tends to draw prison sentences of only a few years. An admonition by the Chief Justice late in 1988 has resulted in some increase in the average prison term for rape. The law

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allows corporal punishment for rape, but this is generally used only in cases of offenses against minors. Domestic violence is also a problem in Fiji and is a second major focus of the women's movement. The authorities are generally reluctant to intervene in cases of domestic violence unless it is necessary to save the woman's life. Few cases result in prosecution, as the victim generally does not press charges. The Government has not been active in dealing with domestic violence. Suva has a privately funded Women's Crisis Centre which offers counseling and assistance to women in cases of rape, domestic violence, and other problems, such as child support payments.

Section 6 Worker Rights

a. The Right of Association

Workers are free to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies. Strikes are legal. At least a dozen well-publicized strikes took place in 1989. Unions must register with, but are not controlled by, the Government. The central labor body, the Fiji Trades Union Congress (FTUC), is closely associated with the opposition Fiji Labour Party and the deposed Bavadra government. The labor movement is led largely by ethnic Indians. Persons with close ties to the Government have started rival unions primarily for ethnic Fijians; these unions are more amenable to political cooperation with the Government. The FTUC is free to associate internationally and it belongs to the ICFTU.

The Committee on Freedom of Association of the International Labor Organization (ILO) at its November 1989 meeting found that Fijian law and practice excessively restricted trade union's abilities to hold union meetings and public gatherings.

b. The Right to Organize and Bargain Collectively

Fiji law recognizes the right to organize and bargain collectively. Employers are required to recognize a union if more than half the employees in a workplace have joined. Recognition is determined by union membership numbers rather than by an election. The Government will order a recalcitrant employer to recognize a union, although union leaders accused the Government of failing to apply the law correctly in one recent case. Key sectors of the economy including sugar and tourism are organized, and collective bargaining is the norm.

Currently, nationwide wage guidelines are in effect. These guidelines replaced a mandatory wage cut and freeze put into effect after the 1987 coups. The Government authorized a 6 percent across-the-board wage increase in 1989. The ILO's Committee of Experts at its 1989 session noted that Fiji's wage controls did not conform with the provisions of ILO Convention 98 on collective bargaining and asked the Government to indicate when it intends to take measures to lift the legal restrictions on the free negotiation of wages.

Fiji's practice for wage bargaining has been to set national wage guidelines after consultations between the Government, employers, and unions. Wage negotiation on an industry-by-industry basis is not practiced, and a government proposal to introduce such negotiations has been resisted by employers and unions. Union leaders fear that straight market-based wage

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bargaining would open unacceptably large wage gaps between skilled and unskilled workers.

Prior to the coups, a tripartite forum of employers, unions, and government oversaw labor negotiations. The tripartite forum has been abolished; its restoration is a key demand of the FTUC. The Government has agreed to consider reestablishing the forum, but at year's end had not done so. Legislation protects workers from summary dismissal without just cause. The courts often rule in favor of workers in such cases.

Trade union members and properties are respected, however, there have been a few incidents of vandalism against the homes and cars of union leaders. The incidents, which were well organized, remain unsolved. There is no evidence to link such actions to the Government. The unions are generally successful in preventing discrimination against workers for union activities. Labor legislation is applied uniformly throughout the country, including in export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor does not exist in Fiji. Both the 1970 Constitution and the draft constitution give protection from forced labor.

d. Minimum Age for Employment of Children

Children under 12 may not be employed in any capacity. Children (under age 15) and "young persons" (age 15-17) may not be employed in industry or work with machinery. Enforcement generally is effective, with the possible exception of family members working on family farms or businesses.

e. Acceptable Conditions of Work

No national minimum wage has been established. Certain sectors have minimum wages set by the Ministry for Employment and Industrial Relations. These are in the \$0.75-\$1.00 per hour range, except in the garment industry where it is only about 35 cents. In late September, the Government and employers agreed to raise this to about 45 cents; a date for implementation had not been set as of year's end. The minimum wage will support a barely adequate standard of living, except in the garment industry, where the starting wage is based on the assumption that workers are young people or married women living at home and not expecting to support a household. The more productive workers in the garment industry earn \$1.00 an hour or more, a living wage.

Fiji has no regulation specifying maximum hours of work for adult males. Women are prohibited from night work in industry and underground work in mines. Certain industries, notably transportation and shipping, have problems in this area. Excessive working hours for drivers have contributed to a number of fatal bus accidents. Indians, who generally require a cash income to survive, are more vulnerable to pressure to work long hours than Fijians. Many Fijians can and will return to their villages rather than work what they consider excessive hours.

Fiji has workplace safety regulations, a workmen's compensation act, and an accident compensation plan. A tribunal sets awards for workers injured on the job. Government enforcement

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of safety standards suffers from a lack of trained enforcement personnel, but the unions do a reasonable job of monitoring safety standards in organized workplaces. A 1989 study of working conditions in the garment industries resulted in the Government ordering many employers to improve working conditions. Union leaders complained that the Government's action was too mild and that the employers should have been subject to criminal prosecution.

INDONESIA

President Soeharto and the Indonesian Armed Forces (ABRI)--which include the military services and the police--are the preeminent institutions in Indonesia's Government, which came to power in the mid-1960's after an abortive Communist-backed coup. Since 1967 executive authority has been exercised by retired and active-duty military officers and civilian technocrats under President Soeharto's leadership. The partly elected, partly appointed Parliament (DPR) considers but does not initiate legislation. The People's Consultative Assembly (MPR)--consisting of 500 appointed members and the 500 DPR members--meets every 5 years to approve guidelines for government policy and elect the President and Vice President.

Indonesia is the fifth most populous country in the world and the largest in Southeast Asia. Since independence, Indonesian governments have sought to create a unique national identity and to accommodate a diversity of ethnic, linguistic, religious, and social groups, while assuring internal security and cohesion. The centerpiece of the Soeharto Government's political program is "Pancasila," an eclectic state ideology emphasizing consultation and consensus and composed of five broad principles: belief in one supreme god, belief in a just and civilized humanity, Indonesian national unity, democracy, and social justice.

The armed forces number about 416,000. A little less than half serve in the army, which is primarily concerned with internal security. Under a "dual function" concept, many military officers serve in Parliament and the civilian bureaucracy at all levels. Frequent military operations took place in East Timor and Irian Jaya, where Fretilin and Organization for a Free Papua (OPM) rebels continued sporadic activities in low-level insurgencies.

Although Indonesia's mixed economy involves the State in nearly all sectors, the Government is pursuing a set of policies designed to give greater freedom to the private sector. Beginning with the collapse of oil prices in the early 1980's, deregulation aimed primarily at stimulating growth in nonoil sectors has been a major government objective. A large devaluation in 1986, and a subsequent flexible exchange rate, has helped strengthen the rupiah and boost nonoil exports. The oil sector accounted for less than 50 percent of Government revenues and foreign exchange earnings in 1988. Real gross domestic product (GDP) growth in 1988 was 5.7 percent and the industrial growth rate much higher. Despite substantial increases in real incomes in the past 20 years, the country remains poor and wide disparities in wealth continue. Corruption and influence peddling are endemic and restrict growth and economic opportunity.

Despite progress in some areas, including greater freedom of movement for Indonesians and foreigners to and within East Timor, continued tolerance for ethnic, racial, and religious differences, a broadened political debate, including enhancing the role of parliament vis-a-vis the executive, new government regulations that protect working women and formalize the minimum wage structure, and the conviction and sentencing to jail terms of several police officers for mistreatment or killing of detainees, serious human rights problems remained. These included harsh treatment of Muslim activists' efforts to organize opposition, discrimination against ethnic Chinese, reports of excessive use of force in quelling violence in Lampung, periodic detentions of East Timorese suspected of

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Fretilin sympathies, killings of civilians in East Timor, harsh sentences meted out in several subversion trials, continued significant restrictions on freedoms of the press and movement, and pervasive political controls which ensure continued military domination of the Government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Casualties in Lampung Province in a clash in February between members of an Islamic sect and the military, responding to an officer's kidnaping and murder, officially numbered 38, most of them civilians. The background of the incident remains obscure, but persistent allegations of a significantly higher death toll than officially announced raise concern about the military's possible use of excessive force in restoring order.

A presidential autobiography published in April explained that the "mysterious killings" or summary executions of thousands of suspected criminals from 1982 to 1985 were a deliberate policy to stem increased crime. At that time, officials attributed the killings to criminal gang warfare. An estimated two dozen or more civilians were killed by the military in East Timor in 1989.

b. Disappearance

Temporary disappearance of persons held for interrogation by security forces occurred periodically, particularly in East Timor and Irian Jaya. Reports were often unspecific and difficult to confirm, but in some cases authorities appeared to act outside the law.

No exact figures are available on the number of permanent disappearances widely believed to occur yearly. Newspapers in May publicized the cases of Nano and Soni Abdullah, brothers who reportedly disappeared following arrest in Pekanbaru in 1984. Regular International Committee of the Red Cross (ICRC) access to prisons in East Timor and elsewhere in Indonesia has helped to locate some missing persons in past years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Credible reports of torture and mistreatment of criminal suspects, detainees, and prisoners were frequent. Police treatment of detainees, even in minor incidents, often results in physical abuse. Several students detained in the wake of the Pope's visit to East Timor in October were reportedly beaten. The practice of "shooting to wound" suspected criminals allegedly attempting to elude arrest in Medan declined in 1989. The local press, nonetheless, continued to report at least one incident each month in which police shot a suspect in the leg, often repeatedly. Officials have publicly acknowledged and condemned police brutality and unacceptable prison conditions and in 1989 took disciplinary action in several cases against criminal suspects. Among other instances, the Yogyakarta military court dismissed two policemen and sentenced them to jail terms of 2 years 3 months and 2 years 6 months, respectively, for beating to death 17-year-old Bakri Budi Santoso, and a military court in

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Cianjur sentenced two police officers to 17 and 15 years, respectively, for killing a student, Apud Mahpudin. There were no known instances of officials being punished for mistreatment of political prisoners or detainees. East Timorese Bishop Belo and others alleged mistreatment and torture by security forces in East Timor of persons detained on suspicion of aiding or sympathizing with the Fretilin guerrillas, charges denied by officials. Similar allegations were made concerning mistreatment of persons in Irian Jaya suspected of ties with or sympathies for the Organization for a Free Papua (OPM) rebels. Rebels in both East Timor and Irian Jaya reportedly harassed and terrorized civilians from time to time.

d. Arbitrary Arrest, Detention, or Exile

The criminal procedures code (KUHP) contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family. These safeguards are often disregarded in practice, notably in cases of alleged subversion. KUHP provisions are respected more regularly in urban areas than in small towns or remote areas. Security agencies arrest and detain persons to intimidate and inhibit activities they consider undesirable. Legal mechanisms for redress of such actions are inadequate. The Jakarta district court rejected a suit by student demonstrators against police for alleged unlawful detention on the grounds that the students were interrogated as witnesses, not suspects, and thus not entitled to challenge the legality of their detention.

Detainees in cases of alleged subversion can be held up to a year without charges. In the past the number of persons detained without trial was estimated to be as many as 500, although this figure could not be verified, and no more recent estimates were available. Security forces in East Timor on several occasions detained persons for days or weeks on suspicion of subversive activity. Most were subsequently released without charges. Implementation of a 1987 Presidential Decree on remission of prison terms produced uncertainty about the status of some prisoners, including several reportedly still in jail despite apparent expiration of their sentences. Mrs. Sundari Abdulrahman, a former official in the Indonesian Communist Party (PKI) whose case was under consideration by the Inter-Parliamentary Union, was released from prison in August. A number of East Timorese left prisons in Jakarta and Dili after finishing sentences for involvement with Fretilin.

The precise functions and powers of the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS) remained unclear. In Lampung and elsewhere, elements of it appeared to exercise the emergency security provisions accorded its predecessor, the Command for the Restoration of Security and Order (KOPKAMTIB). KOPKAMTIB was permitted exceptions from KUHP procedures and wide, special powers to detain and interrogate persons thought to threaten national security, particularly in cases of suspected subversion, sabotage, secession, or corruption. BAKORSTANAS may have retained those powers. Indonesian law does not provide for the right to judicial review of such actions or for the right to protection or legal aid for the detainees. Their cases are rarely if ever publicized.

With regard to forced or compulsory labor, see section 6.c.

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e. Denial of Fair Public Trial

A quadripartite judiciary, consisting of general, religious, military, and administrative courts, exists below the Supreme Court, the highest court of appeal. Parliament passed a law in December that will permit--once implementing regulations are drawn up--the religious courts used by many Muslims to effect judgments without consent of the general courts and to exercise jurisdiction over a somewhat widened field of family law matters. The independence of the judiciary is significantly constrained by the facts that judges are civil servants of the executive branch and that the Supreme Court cannot annul laws passed by Parliament.

Panels of three judges conduct most trials, hear evidence, decide guilt or innocence, and assess punishment. The right of appeal from district court to high court to Supreme Court exists. The Supreme Court does not consider material aspects of a case, only the application of law by lower courts. Initial judgments are rarely reversed, although sentences are occasionally changed. Most court sessions are open to the public and most defendants, if they can pay, have access to counsel. However, such access is in some cases significantly delayed and there are occasional reports of official efforts to influence the choice of counsel. If destitute, defendants can find private legal help such as that provided by the Legal Aid Institute (LBH). Alternatively, the courts have discretion to provide a limited amount of aid for those unable to afford legal assistance. The State must assure legal assistance in capital cases. Government support for programs to improve legal awareness and literacy, legal training, and legal research capabilities is a positive step toward addressing the legal system's deficiencies.

Corruption permeates the Indonesian legal system. In civil and criminal cases, bribes can influence decisions, prosecution, conviction, and sentencing. Use in trials of forced confessions and limitations on the presentation of evidence by the defense are reportedly common. The Government has occasionally taken action against flagrant offenders, but by and large these abuses continue unchecked.

Conviction is virtually automatic for persons accused under Indonesia's broad 1963 subversion provisions, which among other things forbid advocacy or actions in support of secession or creation of an Islamic state, as well as criticism of Pancasila. President Soeharto said in August that comparative study of foreign ideologies, including Communism, with Pancasila is permissible. The Government tried or announced preparations to try some 70 persons for subversion in 1989. A student and an employee at Yogyakarta's Gajah Mada University were sentenced to prison terms of 7 and 8 years, respectively, for circulating, possessing, or advocating banned writings. Appeals are expected. Trials of some defendants from the February incident in Lampung produced sentences of life imprisonment in five cases and 20 years in another. All but one of these defendants refused the Government's offer of legal assistance. Trials also began in Jakarta and Sumbawa of persons charged with seeking to establish an Islamic state.

The Government does not provide data on the number of persons serving sentences under antiradicalism laws. Some observers estimate there may be at least 400. These estimates include persons sentenced for involvement in the 1965 coup attempt and

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alleged Muslim extremists, many of whom, some observers believe, were convicted for peaceful protest activity.

The President (through the Coordinating Minister for Political Affairs and Security), the Minister of Justice, and the Attorney General, criticized as too lenient a district court decision in March which sentenced a convicted smuggler to a year's probation. Smuggling is classified as a subversive offense and subject to a maximum penalty of death. In April a national legal association called on its Jakarta chapter to deny legal counsel to persons charged with smuggling and corruption.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs regularly, especially in East Timor. Security agencies also conduct surveillance of persons and residences to intimidate and are believed to monitor selectively local and international telephone calls, without legal restraint. Correspondence generally is not monitored, although letter mail to and from East Timor may still be an exception. Government security officials try to monitor the movements and activities of up to 2.5 million former members of the Indonesian Communist Party (PKI) and approximately 20 million former members of its front groups. Even relatives of such persons can suffer adverse consequences, e.g., loss of government employment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Significant restrictions on freedom of speech and press exist. Laws delimiting the rights of individual persons and the Government are applied by different government agencies with considerable discretionary authority and without effective judicial review. Public statements or publications which criticize or could be perceived as critical of the Government, Pancasila, top leaders, their families, or particular religious and ethnic groups are strongly discouraged if not strictly forbidden. Trials and convictions of some persons under the subversion law periodically demonstrate these limitations.

The media generally avoid or exercise great caution in disseminating views of government critics, including prominent opposition figures, because of the risk of official disapproval or informal government instructions not to publish them. The general lack of specific, clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press. Nonetheless, the limits of government tolerance are regularly tested, and public discussion and media reporting of a number of topics generally regarded as sensitive to the Government (including human rights issues) increased significantly in 1989. Some representatives of nongovernmental organizations attending an April conference in Belgium went beyond the governmental bounds, however, and officials publicly and privately chastised them for voicing criticism outside Indonesia of the alleged negative social and human rights impact of certain development projects.

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The Government operates the national television network. It was criticized by the Minister of Information for airing songs the Government judged to be of low moral value and by religious leaders for showing a film considered offensive to Muslims. A private company which offers a subscription television service to viewers in the Jakarta area received a government warning for advertising and programming considered culturally inappropriate. Satellite dishes are used by the media and the elite to monitor television broadcasts from the United States and other countries. Television signals from neighboring countries are received in some parts of Indonesia. While more than 400 private radio stations operate in Indonesia, they may use only government-provided news programs. The Minister of Information warned the many Indonesians who listen to shortwave radio broadcasts not to be unduly influenced by reports critical of the country.

While academic freedom is guaranteed, constraints exist on the activities of scholars. They sometimes refrain from producing written materials, including dissertations, which they believe might provoke government displeasure. Publishers are unwilling to accept manuscripts dealing with controversial issues.

The press is largely privately owned. Civilian and military officials regularly maintain that, in accordance with Pancasila, the press is "free" but also "responsible." The Government expects the media to support national development and stability; to be educational; and to uphold professional standards. Government officials regularly advise editors and reporters about news which cannot be reported and closely monitor media outlets for material unacceptable to the Government. The Government issues oral or written warnings for published material found objectionable. If ignored, warnings could result in a circulation ban or revocation of the license to publish. The number of newspaper licenses is limited, and regulations control the amount of advertising and the number of pages. In 1989 the press received warnings for reports on land disputes, student demonstrations, and subversion trials; for speculation about future political leaders; for publication of sexually provocative pictures; and for misquotation of officials. The Attorney General banned as culturally inappropriate an Indonesian-language translation of a children's educational book depicting the human reproductive process. Several other foreign and domestic books were banned for assertedly subversive ideological content.

Chinese-language publications, with the exception of one officially sanctioned daily newspaper, can neither be imported nor produced domestically. Although organized private instruction of Chinese is discouraged, there are some private school classes, informal circles, and private teachers. No laws prohibit the speaking of Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia.

The Government closely regulates visiting and resident foreign correspondents and occasionally reminds the latter of its prerogative to deny requests for visas or visa extensions. One foreign correspondent was denied entry in 1989; no foreign correspondents were denied visa extensions.

The importation of foreign publications and video tapes, which must be reviewed by government censors, requires a permit. Importers usually avoid foreign books critical of the Government or dealing with topics sensitive to the Government,

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such as human rights. Foreign periodicals, readily available in Indonesia, are subject to censorship prior to distribution. Importation of some foreign newspapers and magazines and all Communist publications is prohibited. In 1989 the Attorney General and Supreme Court banned first the importation of "The Satanic Verses" and then its domestic circulation. Censorship of imported newspapers and other written materials generally was more relaxed in 1989.

b. Freedom of Peaceful Assembly and Association

All organizations must have government permission to hold regional and national meetings. Local jurisdictions often require prior approval for smaller gatherings as well. While obtaining such approval is fairly automatic and apparently was eased in 1989, authorities withhold permission on occasion. Officials refused to approve a Christian youth gathering in a predominantly Muslim area in southeast Sulawesi. Student gatherings have often been the target of disapprovals, and overt political activity at universities remains forbidden under the "campus life normalization" (or "NKK") law of 1978. Nonetheless, student activism, including peaceful demonstrations, increased markedly in 1989. Reactions from civilian and military officials and university rectors varied considerably. Sometimes students were applauded for bringing issues to public attention; other times tolerated, warned, or expelled; and on several occasions forcibly dispersed.

Several student protestors were hospitalized in September following a clash with security forces in Yogyakarta. Authorities detained and arrested several students for participating in protests. Two of these went on trial on criminal charges. A demonstration by about a score of students displaying nationalist banners which took place at the conclusion of the Pope's mass in East Timor was broken up by security forces. Credible reports say several students were detained; others sought refuge in the local bishop's residence.

The 1985 "Social Organizations" (or "Ormas") Law requires all organizations, including recognized religions and associations, to adhere to Pancasila. This provision, which limits political activity, is widely understood as prohibiting groups which advocate making Indonesia an Islamic state. The law empowers the Government to disband any organization it believes to be acting against the tenets of Pancasila and requires prior government approval for any organization's acceptance of foreign funds. Security forces have infiltrated and broken up Islamic study groups which met privately to advocate strict obedience to Islamic law.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution guarantees religious freedom for four state-recognized religions--Islam, Christianity, Buddhism, and Hinduism--and also permits the practice of mystic and animist religion ("aliran kepercayaan"). Although most Indonesians are Muslims, Indonesia has traditionally displayed a high degree of religious tolerance, and the practice and teachings of the other recognized faiths are respected. The Catholic church operates freely in East Timor.

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There are, however, a number of restrictions on religious activity. According to official statistics, nearly 400 "misleading religious cults" are banned, including some Islamic groups considered heretical. These bannings affect perhaps 20,000 adherents or more. New bannings occur periodically. Membership in Jehovah's Witnesses and the Baha'i faith is banned, although several thousand Jehovah's Witnesses are believed to practice in Jakarta alone. A central Java court in 1989 sentenced two persons to jail terms of 1 1/2 and 2 1/2 years, respectively, for spreading Jehovah's Witnesses' teachings and allegedly causing unrest. Authorities have occasionally harassed or discriminated against Baha'is. Twelve members of a banned Muslim sect were reportedly arrested in south Sumatra in September en route to Aceh for proselytizing. Because the first tenet of the Pancasila is belief in a supreme being, atheism is forbidden. The legal requirement to adhere to Pancasila extends to all religious and secular organizations. The Government often tolerates private practice of banned religions, although local authorities occasionally harass adherents or pressure them to convert.

The Government strongly opposes Muslim groups which advocate establishing an Islamic state or acknowledging only Islamic law, both of which are outlawed. An estimated 120 alleged Muslim extremists are serving prison terms on charges of subversion. Several foreign Muslim fundamentalist teachers reportedly found proselytizing while on tourist passes were deported during the year with some publicity.

There is no legal bar to conversion between faiths, and conversions occur. However, proselytizing between the recognized religions or in areas heavily dominated by one religion or another--excluding mystic and animist religions--is considered potentially disruptive and discouraged. Foreign missionary activities are relatively unimpeded. In recent years, however, some foreign missionaries have had difficulty renewing visas or residence permits. On the basis of laws and decrees issued in the mid-1970's, the Government does not allow foreign missionaries to spend more than 10 years in Indonesia (15 in exceptional circumstances only). With rare exceptions, enforcement of this policy does not discriminate by sect or nationality. Exceptions to the 10-year rule have also been granted to foreign religious workers in the remote areas of Irian Jaya and Kalimantan since late 1987. The Government says it intends over time to reduce the number of foreign missionaries in order to encourage employment of Indonesians. Foreign missionary work is subject to the funding stipulations of the "Ormas" law discussed above.

Indonesian Muslims, Christians, and Buddhists maintain active links with coreligionists inside and outside Indonesia and travel abroad for religious gatherings. The Government permits a set number of pilgrims to make the hajj annually. Such trips are available only through government-organized tours. The Pope visited Indonesia in October, offering mass to Catholics in Medan, Jakarta, Yogyakarta, Flores, and East Timor. During his visit, he praised Indonesia's respect for the ethnic, cultural, and religious pluralism among its citizens. More than 100,000 Catholics from East and West Timor attended the service in Dili at which the Pope officiated.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Restrictions on freedom of movement exist. Permits to seek work in a new location are required in certain areas, primarily to control the further shift of population from rural to urban areas.

The Government said noncitizen ethnic Chinese who did not take advantage of a 1988 offer of immigration amnesty would be tried as illegal immigrants. Estimates of the number of persons potentially affected vary considerably, and no such trials have yet taken place. In the past, some ethnic Chinese encountered legal and bureaucratic obstacles to obtaining citizenship, despite official encouragement of naturalization. Officials barred 60 ethnic Chinese citizens from foreign travel for a year for visiting China without proper authorization.

By administrative action, the Government periodically prohibits foreign travel of domestic critics and others in disfavor. Although reliable figures are not available, it is estimated that some 5,000 Indonesians--including some prominent past civilian and military officials--currently may not leave the country. Some critics, however, are free to travel abroad, and a person banned at one time may be permitted to travel subsequently. Students do not need government permission to go abroad for study. In April the Government abolished the exit visa requirement for active-duty and retired members of the armed forces, state officials, civil servants, and their families, a step potentially affecting an estimated 11 percent of the population.

Restrictions on movement by Indonesian and foreign citizens to and within parts of Irian Jaya continue, officially based on the grounds of security risk or the cultural vulnerability of indigenous peoples. Beginning in January 1989, restrictions on movement to, from, and within East Timor eased considerably under a policy of "normalizing" East Timor's status. Nonetheless, frequent security checks affect virtually all transportation and travel in East Timor outside Dili. Curfews and other restrictions on movement are often in force at times of military operations in a given area. Family visits back to East Timor by East Timorese now living in Australia began in 1988 and continued in 1989.

Former political detainees, including those associated with the abortive 1965 coup, must notify authorities of their movements and may not change their residence without official permission. Members or alleged supporters of the banned Indonesian Communist Party (PKI) outside Indonesia have been allowed to return only on a case-by-case basis.

Under its refugee policy, Indonesia has given first asylum to over 106,000 Indochinese refugees since 1975. The Indochinese refugee population at Indonesia's Galang facility stood at about 6,600 at the end of October. Of this number, 1,200 are classified as refugees under the Comprehensive Plan of Action on Indochinese refugees (CPA) adopted at the June International Conference on Indochinese Refugees in Geneva; the rest are classified as asylum-seekers pending screening by Indonesian authorities for refugee status eligibility. Since May Indonesia accepted refugee boats pushed off from Malaysia with a total of 2,500 Indochinese asylum seekers.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Parliament, political parties, and the general public have little ability to influence government decisions or to change the system or its leadership. President Soeharto and a small group of active-duty and retired military officers and civilian technocrats exercise governmental authority. The military, under a dual-function doctrine of defense/security plus social/political responsibilities, is preeminent in most areas of government activity, although in some parts of the Government its presence has declined in recent years. The Constitution provides Parliament a mechanism to call the President to account in extraordinary circumstances but whether it could be used effectively is in doubt. Government leaders do seek out and receive public opinion informally. In several cases in 1989, petitions to ministers and the Parliament about inequitable land decisions and other demonstrable injustices received wide publicity. Reflecting a strong cultural preference, Indonesian leaders emphasize the importance of decisionmaking through "consultation leading to consensus," rather than voting, to resolve disputes.

In 1989 lively public debate among elites on the need for political openness to keep pace with and support economic progress focused attention on the paternalistic political system and the challenge of managing change. When asked publicly whether there is a need for changes in electoral procedures, political party leaders responded that the current electoral system is appropriate and adequate.

The Parliament--whose membership must be acceptable to the Government--considers bills presented to it by government departments and agencies and does not draft laws on its own, although it has the constitutional right to do so. The Government seeks to resolve potential parliamentary concerns before bills are officially presented. Parliament changes the text and occasionally the intent of bills it reviews, and in 1989 significantly altered major bills on the national education system and religious courts.

Only three political organizations are allowed by law. The United Development Party (PPP) and the Indonesian Democratic Party (PDI) are not considered opposition parties. By law, they embrace the Pancasila, and they seldom espouse policies much different from the Government's. The third, GOLKAR, is a longstanding, government-sponsored organization of functional groups which acts as a political party. Former members of the Indonesian Communist Party (PKI) and some other banned parties may not run for office or be active politically.

The leaders of the three legal political organizations are approved, if not chosen, by the Government, and their activities are closely scrutinized and often guided by government authorities. GOLKAR maintains close institutional links with the armed forces and KORPRI, the nonunion association to which all civil servants automatically belong. Civil servants may join any of the political parties with official permission, but most are members of GOLKAR.

General elections for Parliament and for provincial and district assemblies are held every 5 years. GOLKAR won 73 percent of the vote in the 1987 elections. All adult citizens, except active-duty armed forces personnel, convicted criminals serving prison sentences, and some former PKI

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members, are eligible to vote. Voting is not mandatory, but strong social pressures ensure participation. Protest votes take the form of blank or deliberately spoiled ballots. As in 1988, voters in several villages in Java rejected government-proposed candidates running unopposed for the position of village head.

Under the 1985 election law, the Parliament elected in April 1987 consists of 500 members, 400 elected by the voters and 100 appointed by the Government from the armed forces. The People's Consultative Assembly (MPR) consists of Parliament plus 500 other members appointed by the President and by regional governments. The MPR, which convenes every 5 years, ended its most recent session in March 1988 after approving guidelines for government policy for the next 5 years and reelecting President Soeharto to a new 5-year term, with retired Lt. Gen. Sudharmono as Vice President. For the first time an alternate candidate vied for the Vice Presidency in 1988, until he ultimately withdrew from contention.

Participation in the political process by Indonesia's many ethnic groups and minorities varies. Some are well and prominently represented; some are underrepresented and without influence; and others have a significant voice only through informal channels.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs. AI has been refused access to Indonesia; Asia Watch visited in 1988 and 1989. Access specifically to East Timor by representatives of such organizations--which the Government considers biased--has traditionally been restricted. However, AI and Asia Watch have not yet tested the new East Timor "normalization" policy, which appears to have loosened those restrictions. Diplomats and some journalists are encouraged to visit the province. The Government ignored calls by domestic human rights groups and activists for impartial investigations of the February Lampung incident and detentions of radical preachers in Sumbawa in March. While various domestic organizations and persons interested in human rights operate energetically, the Government uses its considerable powers to discourage sustained, meaningful human rights activities, including maintenance of close ties with foreign human rights organizations.

The ICRC is authorized by the Government to visit persons jailed in connection with armed resistance in East Timor. One press report in 1989 suggested that many have not been visited despite the Government's pledge. The ICRC provides medical and food aid to prisoners and their families; carries out medical and nutritional surveys in villages in East Timor; arranged family reunification in East Timor and abroad (mainly Portugal); and arranges repatriation to Portugal of former Portuguese civil servants and their families in East Timor. The ICRC opened an office in Irian Jaya in 1989 to assist future border crossers returning from camps in Papua New Guinea and to monitor conditions of persons jailed in connection with OPM activities. In 1988 and 1989, the ICRC

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visited and interviewed all remaining prisoners convicted of participation in the 1965 Communist-backed attempted coup. The Government does not allow access by the ICRC or any other international humanitarian group to the numerous Muslim activists held prisoner.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Indonesia generally exhibits considerable tolerance for ethnic, racial, and major religious differences, although official and informal discrimination against ethnic Chinese is a significant exception. They are pressured to take Indonesian names. Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. Government regulations prohibit the operation of all-Chinese schools and institutions of higher learning, formation of exclusively Chinese cultural groups or trade associations, and public display of Chinese characters. However, these restrictions are not always observed in practice. Many people of Chinese ancestry have been successful in business and the professions. Social and religious groups which are, in effect, all-Chinese are not proscribed and do exist. Performances of a Chinese opera from Taiwan in Jakarta and of a play about Chinese in Medan were canceled by the Government.

Women are equal before the law, with the same rights, obligations and opportunities afforded men. Indonesia has ratified the U.N. Convention on the Elimination of all Forms of Discrimination against Women. Some Indonesian women enjoy a high degree of economic and social freedom. Women occupy important midlevel positions in the civil service, educational institutions, labor unions, the military, the professions, and private business. Women make up approximately 37 percent of the work force, with the majority in the rural sector.

Despite legal guarantees of equal treatment, women seldom receive equal pay for equal work. The Minister for the Role of Women, Mrs. A. Sulastikin Murpratomo, has called public attention to women's undue burden of illiteracy, poor health, and poor nutrition. Traditional practices ("adat") can also in some cases undercut state policy. Spouses of civil servants are strongly encouraged to participate in a government-sponsored women's organization. Several voluntary, private groups work actively to advance women's legal, economic, and political rights. The media periodically report instances of rape and other abuse against women and subsequent legal proceedings against the perpetrators. However, reliable data concerning the extent of violence against women is not available. The Government has recognized publicly that domestic violence is an emerging problem for Indonesian society. In May it held a seminar to encourage efforts to understand and overcome this problem. Several university centers studying the role of women focus some attention on domestic violence. One Jakarta-based organization provided counseling to victims and families in 210 cases of domestic violence in 1988 and in 94 cases as of April in 1989. The Ministry of Religious Affairs also offers counseling to married couples. However, cultural, social, psychological, and other factors inhibit reporting of such abuse and recourse to counseling and legal protection.

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Section 6 Worker Rights

a. The Right of Association

Private-sector workers are free to form or join unions without previous authorization, but such unions, in order to be able to bargain collectively, must belong to the All Indonesia Workers Union (SPSI), which, for all practical purposes, is the only legal trade union organization in Indonesia. About 5 percent of the total labor force of nearly 75 million is organized. The SPSI now consists of 9 departments covering broad industrial sectors and 9 specialized institutes. It has representation in all 27 provinces. It estimates that it has about 10,000 local units at the plant level and over 3 million members. A number of groups and professional associations, e.g., the teachers' and journalists' associations and the Joint Secretariat of Industrial Unions, function as quasi-trade unions and operate openly, although they do not have the right to engage in collective bargaining. The SPSI and its local units draw up their own constitutions and rules and elect their representatives.

The Government views unions as an essential component of its development plans, with the role of increasing worker participation in development, maintaining industrial peace, and elucidating the Government's philosophy of Pancasila as it applies to industrial relations. Labor-management relations in Indonesia are supposed to be carried out within the framework of Pancasila principles, which emphasize consultation among the parties and avoidance of confrontation. There is pressure on SPSI officials to join GOLKAR, and GOLKAR members dominate the leadership.

The Ormas law discussed in Section 2.b. governs the activities of the SPSI and the quasi-unions. Government approval is needed for meetings outside SPSI headquarters. Permission is routinely given to the SPSI and to nonregistered organizations overtly functioning as unions. A union may be dissolved, as with other mass organizations if the Government believes it is acting against Pancasila tenets. There are no laws or regulations laying out the procedures for the dissolution of a union, and there have been no cases of union dissolution.

Although the SPSI maintains extensive international contacts, it is not affiliated with any international trade union organization, except the ASEAN Trade Union Council--a regional body consisting almost exclusively of affiliates of the International Confederation of Free Trade Unions (ICFTU). As a fallout of the 1985 restructuring of the SPSI, there has been no formal ICFTU presence in Indonesia since 1986. International trade union secretariats retain links with some elements of the SPSI, such as the port and maritime workers. The "Joint Secretariat," grouping elements of the SPSI and the unions not legally recognized by the Government, has links with the World Confederation of Labor. The SPSI is seeking to affiliate with the ICFTU.

All organized workers have a legal right to strike with the exception of civil servants and employees in the 21 industries designated by a Presidential Decree in 1963 as vital to the national interest. Many of the installations and projects covered by the decree no longer exist or have been absorbed into other agencies and departments. Those that remain cover about 170,000 workers.

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State enterprise employees and civil servants must belong to KORPRI, the Indonesian corps of civil servants--a nonunion association chaired by the Minister of Home Affairs. The central board of KORPRI and its secretariats at the provincial level have employee relations bureaus, which are responsible for settling employee disputes. Some government departments have specific agreements with the Department of Manpower which call for the convening of a labor committee to resolve disputes.

A private-sector union must notify the local Department of Manpower office that its attempts to resolve disagreements through negotiations have failed and that the union will go on strike. No approval is required. During 1988 and 1989, there were 53 reported strikes involving 11,456 workers. Most strikes are brief, spontaneous, and nonviolent. Some observers believe that for every officially recorded strike, there may be 4 to 5 others.

The strike outcomes varied. A review of approximately 20 strikes near Jakarta showed some employee demands were met. Some involved conciliation by the local branch of the Department of Manpower, some were resolved through negotiations with management, and others resulted in the firing of union officials for ostensibly work-related reasons.

Private-sector industrial disputes are submitted to tripartite administrative tribunals. These tribunals hear arguments and issue executable, enforceable decisions. Decisions of the tribunals and private arbitrators can be enforced through the courts. The Minister of Manpower can nullify decisions of the administrative tribunals on legal or national interest grounds. Although technically the Minister's decisions can be appealed to the courts, in practice it is rarely done. Under the law the parties can elect binding arbitration in lieu of the tripartite settlement mechanism. However, this provision is seldom used; most cases are handled by the Department of Manpower's mediation and conciliation service.

Indonesia has ratified International Labor Organization (ILO) Convention 98 on the Right to Bargain Collectively, but has not ratified Convention 87 on the Freedom of Association.

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) believes that Indonesian workers are denied the right of association. Specifically, it alleges that the SPSI is dominated by the Government and is an agent of government labor policy, that the Government unilaterally denies the right to strike in certain industries, that the Government regularly guarantees a nonunion environment to foreign investors, and that public employees may not organize or strike. The ILO's Committee on Freedom of Association (CFA) has under consideration a 1987 complaint by the ICFTU which alleges that Indonesian legislation restricts trade union rights, particularly the rights of government employees, contrary to the principles of freedom of association and the provisions of ILO Convention 98. The Committee requested at its November 1988 session that the Government take steps to amend its legislation in some areas and to provide additional information on others. The Government said in its February response that freedom of association and collective bargaining are fully respected and that Indonesia is now in the process of developing "the most suitable pattern" of applying these rights. In May 1989, the CFA still found that a large section of the Indonesian work force does not have freedom to form or

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join a workers' organization of their own choosing and requested the Government to amend its legislation to permit government employees to establish unions outside the KORPRI structure and to remove other restrictions.

b. The Right to Organize and Bargain Collectively

Collective bargaining is guaranteed by law; the Department of Manpower vigorously promotes collective agreements as instruments of Pancasila industrial relations. The overwhelming majority of the SPSI's collective bargaining agreements are negotiated and concluded bilaterally with the employer. Once an employer has been notified that 25 employees have joined a union, he is under an obligation to bargain. As a transitional stage to encourage collective bargaining, regulations require that every company which has 25 or more employees must issue company regulations defining the terms and conditions of employment. Of the approximately 10,000 local SPSI units, only about half have executed collective bargaining agreements. In what the Department of Manpower has characterized as an effort to promote voluntary negotiations between employees and employers, it has encouraged the organization of unions. The Minister of Manpower has set a target of 2,000 collective bargaining agreements over the next 5 years. By regulation, negotiations are to conclude within 30 days. If not, the matter is to be submitted to the Department of Manpower for mediation and conciliation/arbitration. In practice, most negotiations are concluded before the end of the 30-day period. Agreements are valid for 2 years and can be extended for 1 year.

The law protects collective bargaining agreements and the negotiating process by imposing obligations on both the union and the employer. Both parties are obligated to execute the agreements and to bargain in good faith. The law applies equally in the export processing zones. Some companies in these zones have SPSI units; however, none has negotiated a collective bargaining agreement.

Regulations expressly forbid employers from prejudging or harassing employees because of union membership, and employees are urged to report harassment to the Government. The SPSI claims, supported by reported incidents, that some employers discriminate against its members and those wishing to form SPSI units. Charges of antiunion discrimination are handled by the administrative tribunals.

Workers can organize without restriction in a private enterprise even if it is designated vital by the Government. If the State has a partial interest, the enterprise is considered to be in the public service domain, but this does not legally limit organizing. There are a significant number of government/private joint enterprises which have labor unions and which bargain collectively.

The AFL-CIO also alleges that Indonesia denies workers the right to organize and bargain collectively. The AFL-CIO has charged that the Government routinely denies permission for union meetings and subverts collective bargaining by routinely substituting compulsory arbitration for genuine collective bargaining. The 1987 ICFTU complaint alleged that Indonesian regulations permit only the SPSI to register legitimately, thereby failing to encourage and promote collective bargaining, and that the laws do not satisfy the antiunion discrimination requirement of ILO Convention 98.

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c. Prohibition of Forced or Compulsory Labor

Forced labor is strictly prohibited and does not exist.

d. Minimum Age for Employment of Children

In 1987 the Indonesian Department of Manpower issued new regulations on child labor, acknowledged a class of children under age 14 who for socioeconomic reasons must work and noted that Indonesia's child labor laws have not been properly enforced. These laws provide detailed safeguards, including requirements for parental consent, prohibition of dangerous work and night work and limiting the workday to 4 hours. Employers must also cooperate with public authorities to assure that children under 14 comply with the 1989 National Education Law, which requires that children complete 9 years of school beginning at age 7. However, these regulations are inadequately enforced, and some observers have called for national enforcement procedures.

The new regulations call for improved enforcement of the child labor law. Employers are now required to report in detail on every child employed, and periodic inspections are to be carried out by the Department of Manpower. Employers not complying with the law and regulations will be subject to fines of \$65 and/or up to 3 months in jail for each infraction.

The Manpower Department, as a follow-up to its new regulations, has issued directives to remind local Department of Manpower offices of their inspection obligations and to increase inspection in the informal sectors. However, according to the Department, as of March 1989 there were only 4,749 children registered as employed in Indonesia. Some local observers claim that as many as 2 million youths under the age of 14 are working one-half to full time or more, though most of these are thought to be employed in family-run businesses in the informal sector and at agricultural sites where normal enforcement mechanisms are difficult to implement. The Department of Manpower admits that employer compliance with the new regulations is far less than ideal and that it still lacks qualified inspectors to carry out the inspections. It estimates that less than 50 percent of companies employing children have registered.

Present efforts to control child labor focus primarily on instituting educational programs for children who must work. Future programs call for allocation of special funds to provide educational opportunities for working children cooperating with self-help institutes which will provide educational programs, and increased government inspection. The Government, however, still relies upon persuasion and teaching employers rather than penalizing them.

e. Acceptable Conditions of Work

The law establishes 7-hour workdays and 40-hour workweeks, with one-half hour of rest for each 4 hours of work. The daily overtime rate is one and one-half the normal hourly rate for the first hour, and twice the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower with agreement of the employees.

In the absence of a national minimum wage, minimum wages are established for each region, and for sectors and subsectors

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within the region, by regional wage councils working under the supervision of the National Wage Council. This is a quadripartite body consisting of representatives from labor, management, government, and universities. It also establishes a basic "physical needs" figure for each province--a monetary amount considered sufficient to enable a single worker or family to meet basic needs of nutrition, clothing, and shelter. The annually calculated figure reflects changes in the local Consumer Price Index (CPI) for food, clothing, housing, transportation, and other family needs. Factors considered by the wage councils in setting minimum rates include changes in the local CPI, the skill level of workers, the local supply of manpower, and the ability of firms to pay. Minimum wage rates fall short of providing the decent standard of living the Government envisages. GDP per capita in 1988 was \$434. Figures from 1983, the latest available, show that 26 per cent of the urban dwellers and 44 per cent of the rural population live below the absolute poverty level as defined by the World Bank. The minimum wage in the capital city of Jakarta ranges between \$0.89 and \$1.18 per day, depending on the industry.

A 1989 regulation on minimum wages calls for a review of minimum wages every 2 years, forbids employers from lowering wages already higher than the minimum, and provides mechanisms for enforcement and penalties for employer noncompliance. It also gives the Department of Manpower a legal basis for entering the place of work to carry out inspections.

Labor law and ministerial regulations provide workers with vacation pay, maternity leave, social security insurance, workplace accident insurance, 12 paid public holidays, generous overtime and sick leave pay, guaranteed severance and service pay, paid leave for personal and family occasions, and protection from delay in payment. In addition, workers usually receive transportation allowances, food allowances in cash or in kind or both, and holiday bonuses. Workers in more modern facilities often receive health benefits, social security contributions, and free meals.

Observance of the minimum wage varies from sector to sector and from region to region, and there are no reliable figures on compliance. Employer violation of overtime and minimum wage regulations, however, is considered to be fairly common. Manpower officials, backed by the new minimum wage regulation, have threatened to audit companies not paying the minimum wage and to take tougher action.

Both law and regulations provide for minimum standards of industrial health and safety. Five new health and safety regulations have been promulgated in the last 4 years. A national Health and Safety Council was created to oversee the enforcement efforts of the over 6,000 company safety committees. The Department of Manpower conducts yearly national campaigns to promote public awareness of health and safety needs among workers and employers and administers a country-wide comprehensive inspection system.

Workers are obligated to report hazardous working conditions and employers are prevented by law from retaliating against those who do. An ILO-sponsored program to enhance the technical capabilities of government inspectors and plant personnel in the area of chemical and major hazards control was signed in 1988, and the Government has sought additional technical assistance from other countries to increase

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inspection capabilities. Safety and health programs in the country's over 100,000 larger, registered industries in the nonoil sector are hampered by a limited number of qualified inspectors--less than 1,300; the slowness with which the firms established the required plant safety committees (only about 6,000 as of May 1989); and the need for more and better training of government inspectors and plant safety personnel.

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Japan is a parliamentary democracy based on a constitution adopted in 1947. Sovereignty is vested in the people, and the Emperor is defined as the symbol of state. On the national level, power is divided among executive, legislative, and judicial branches. Executive power is vested in a cabinet, composed of a prime minister and ministers of state, responsible to the Diet, Japan's two-house parliament. The Diet, elected by universal suffrage and secret ballot, designates the prime minister, who must be a member of that body. Nearly 70 percent of the electorate usually votes in general elections, contested by six political parties covering a broad ideological spectrum. The judicial system has several layers of courts, with the Supreme Court as final authority.

A well-organized and disciplined national police force respects the human rights of the populace, although there have been reports of incidents of misconduct by individual police officers, including harsh treatment of prisoners in custody. The police force is firmly under the control of the civil authorities, and there is no evidence that it resorts to extralegal measures in the discharge of its duties. The Civil Liberties Bureau in the Ministry of Justice and the Human Rights and Refugee Division in the Ministry of Foreign Affairs monitor problems relating to human rights practices in Japan.

Japan's free market economy has the world's second largest gross national product. Despite a second quarter net drop in gross national product caused by introduction of a 3-percent consumption tax, the economy has continued to expand rapidly due to increased consumer demand and capital investment.

The Constitution states, "all of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin." The human rights assured by the Constitution and Bill of Rights are secured by a just and efficient legal system. However, alien residents, the "Burakumin" (a group traditionally treated as outcasts), the Ainu (Japan's indigenous people), and women experience varying degrees of discrimination. Current laws against discrimination contain virtually no penalties for offenders.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known cases of political or other extrajudicial killing.

b. Disappearance

There were no known cases of abductions, secret arrests, clandestine detention, or hostage holding by security forces or any other organization.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture, cruel, inhuman, or degrading treatment or punishment is guaranteed by the Constitution and respected

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in practice. There is no evidence that penal treatment varies by social class, sex, or religion.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is guaranteed by the Constitution and respected in practice. Japanese law provides for judicial determination of the legality of detention. Persons cannot be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists to detain the accused. The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds 2 months; the average is 1 to 2 months. The Ministry of Justice has stipulated that a detained person should be able to meet with counsel within 48 hours of the accused's request, though this time limit has not been honored in a few cases. Counsel is provided at government expense when the arrested person cannot afford one. Preventive detention does not exist.

Under the criminal procedure code, a suspect may be held in police custody for up to 72 hours. This period may be extended by a judge for up to 25 days if necessary. If an indictment follows, the suspect is transferred to a criminal detention facility. The Japan Bar Association opposes the legislation, which was first presented to the Diet in 1982 (and defeated), on the grounds that police powers need to be reduced and more fundamental revisions of the detention system are necessary.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for the right to a speedy and public trial by an impartial tribunal in all criminal cases, and this right is respected in practice. The defendant is informed of charges upon arrest and assured a public trial by an independent civilian court with defense counsel and the right to cross-examination. The Constitution assures defendants the right not to be compelled to testify against themselves as well as free and private access to counsel, although the right to such access is sometimes abridged in practice. Defendants are also protected from the application of laws retroactively and have the right of access to incriminating evidence after a formal indictment has been made. Judges are appointed by the Cabinet for a 10-year term which can be renewed until the age of 65. Justices of the Supreme Court can serve until the age of 70, but face periodic review through popular referendum. A defendant who is dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court. There are several levels of courts, with the Supreme Court serving as the highest judicial authority. There is no trial by jury in Japan.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, each search or seizure must be made upon separate warrant issued by a judicial officer. The standards for issuing such warrants exist to guard against arbitrary searches. There are no reports that the Government or any other organization arbitrarily interfered with privacy, family, home, or correspondence.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution, an independent press and judiciary, and a functioning democratic political system combine to ensure freedom of speech and press.

b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution and respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and respected in practice. While Buddhism and Shintoism remain the two major religions, there are many others, including several Christian denominations. Foreign missionaries are welcome and receive special visa status. Some temples and shrines receive public support as treasured national properties.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Japanese citizens have the right to travel freely, both within Japan and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Japanese nationality can be lost by naturalization in a foreign country or failure to elect Japanese nationality at the proper age.

In 1985 the Government agreed to the permanent settlement of a total of 10,000 Vietnamese refugees of which about 6,200 have been processed. An organization was set up by the Government to train these refugees and find them jobs. Officials working with the immigrants say they face frequent police harassment and widespread discrimination in obtaining housing, jobs, and health care.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Japanese citizens have the right and ability peacefully to change their government. A parliamentary democracy, Japan is ruled by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party (LDP) has been in power on the national level--through control of the lower house--continuously since its establishment in 1955; however, opposition parties took control of the upper house of the Diet from the LDP in elections in July. Local and prefectural governments are often controlled by coalitions. Elections on all levels are held frequently, suffrage is universal, and ballots are secret.

Postwar population movements have left some parliamentary electoral districts overrepresented, in a number of cases by more than a three-to-one ratio. The Supreme Court has called for greater equality in the value of votes, but the lack of a nonpartisan mechanism to make such changes has slowed the process of adjustment.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The Government does not obstruct or inhibit the investigative activities of international nongovernmental organizations. Japan is a member of the U.N. Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The exclusive nature of Japanese society, reinforced by cultural and ethnic homogeneity and a long tradition of isolation from other cultures, has impeded the integration of minority groups. Although the legal system has gradually evolved toward granting equal opportunity to minorities, entrenched social prejudice against both Korean residents (most of whom were born, raised, and educated in Japan) and the Burakumin (descendants of feudal era "outcasts" who practiced so-called unclean professions such as butchering and undertaking) has restricted the access of both groups to private housing, employment, and marriage opportunities. The Ainu, descendants of the original inhabitants of Japan, also have complained of discrimination, especially regarding employment opportunities. Societal alienation has also been faced by the nearly 100,000 illegal immigrants, mostly from south and southeast Asia, who have come in search of jobs, enticed by a labor shortage and the high value of the yen in the last few years. Although they suffer social discrimination, as Japanese citizens Burakumin and Ainu enjoy equal protection under the Constitution. The Government also has enacted a special budget measure for area improvement projects, which provides funds until 1992 to complete projects started under a similar law which expired last year. That law, first issued in 1969, was designed to help assimilate Burakumin into mainstream society through a number of social, economic, and legal programs.

In recent years the Government has enacted several laws and regulations extending to permanent resident aliens, 82 percent of whom are Koreans, equal access to public housing and loans, social security pensions for those qualified, and certain public employment rights. However, antidiscrimination laws affecting Korean residents were initiated as government guidance and are not backed up by penalty provisions, which makes enforcement difficult.

The Government addressed an issue of concern to resident Koreans in 1987 in revising the Alien Registration Law to require a single fingerprinting of foreign residents rather than repeated fingerprinting at 5-year intervals. Human rights activists representing Korean residents have called for complete abolition of the fingerprinting requirement.

In February, following the death of the Emperor, the Ministry of Justice announced a general amnesty which pardoned, among others, approximately 10,000 people who had violated an earlier alien registration law. Some critics of the present law plan to challenge the section that requires a person to carry his registration card at all times.

According to law, aliens with 5 years' continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote. In fact, however, relatively few eligible aliens have

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been naturalized. Many permanent residents are unwilling to seek naturalization, fearing their cultural identity would be erased by that act. A high intermarriage rate and changes in the naturalization law several years ago to allow Japanese women, as well as men, to convey citizenship to the offspring of mixed marriages will eventually reduce the number of noncitizen Korean residents of Japan.

The position of women in society and the home, although significantly improved during the last few decades, continues to reflect deep-seated traditional values in which women play a subordinate role. In this environment, violence against women, particularly domestic violence, often goes unreported due to social and cultural concerns for shaming one's family or endangering the reputation of one's spouse or offspring. Typically, victimized women more often return to the home of their parents rather than file reports with authorities. The Ministry of Justice maintains no statistics on reported crimes specifically victimizing women and was unable to provide estimates for those cases which go unreported. Local governments have begun to respond to a need for confidential assistance by establishing special women's consultation departments in police and prefectural offices.

Discrimination by private employers against women is prohibited by the Constitution. Women comprise 40 percent of the employed population. Legislation over the past 30 years has been adjusted to accord them the same legal status as men. The Equal Employment Opportunity Law of 1986 was aimed at eliminating sex discrimination in such areas as recruitment, pay, and working hours. Under this law, the Ministry of Labor attempts to induce corporate compliance with its objectives by positive inducements, including subsidies; it does not enforce them through fines or other punitive measures. According to some experts on the situation of women in the workplace, the law has been a valuable tool in promoting change in employment practices. Other observers believe that the law as written does not achieve sufficient compliance from employers. In any case, significant disparities in pay and access to managerial positions persist. The public awareness of sexual harassment in the workplace as a problem appears to be on the rise, as indicated by an increased frequency of press reports in 1989.

Section 6 Worker Rights

a. The Right of Association

The right of association as defined by the International Labor Organization (ILO) is protected. The right of workers to organize, bargain, and act collectively is assured by the Constitution. Approximately 26.6 percent of the active work force belongs to unions. Unions are free of government control and influence. There is no requirement for a single trade union structure, and there are no restrictions on who may be a union official. Most unions are involved in political activity as well as labor relations. The right to strike is implicitly assumed by the Constitution, and it was exercised frequently in 1989. Public employees, however, do not have the right to strike, although they do have recourse to mediation and arbitration in order to resolve disputes. In exchange for a ban on their right to strike, government employees' pay raises are determined by the Government based on a recommendation by the independent National Personnel Authority (NPA). The right of Japan's fire fighters to

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organize has been debated in the ILO for over 30 years. At the end of its 1989 deliberations, the ILO's Committee on the Application of Standards expressed the firm hope that the discussions with representative trade unions would be intensified and that they would soon lead to the recognition of the fire fighters' right to organize in conformity with Convention 87 on Freedom of Association. Unions are active in international bodies, most notably the International Confederation of Free Trade Unions, and maintain extensive international contacts.

b. The Right to Organize and Bargain Collectively

The Constitution states that unions have the right to organize, bargain, and act collectively and these rights are exercised in practice. Antiunion discrimination is prohibited by law and in practice. Members of the armed forces, police, and fire fighters are not permitted to organize. Japanese law also allows unions to lobby and to make political campaign contributions. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Standards Law prohibits the use of forced labor, and there are no known cases of forced or compulsory labor.

d. Minimum Age for Employment of Children

Under the revised Labor Standards Law of 1987, minors under 15 years of age may not be employed as workers and those under the age of 18 years may not be employed in dangerous or harmful work. Child labor laws are rigorously enforced by the Labor Inspection Division of the Ministry of Labor.

e. Acceptable Conditions of Work

The Labor Standards Law provides for the phased reduction of maximum working hours from the present 46-hour/6-day workweek to 40 hours by early in the 1990's. Although introduced as a means of increasing the leisure time available to the work force, the law has been criticized by employee groups because of the increased flexibility it gives employers in calculating actual working hours and vacation benefits. Nevertheless, despite the fact that 1988 (the last year for which figures are available) was a year of strong business expansion, annual hours worked showed a modest decline, reversing a trend which saw them increase annually since 1975.

Minimum wages are set regionally, not nationally. For example, effective October 1989, the Tokyo metropolitan area minimum wage was \$3.75 hourly. This is the highest regionally set minimum. The minimum wage for Kagoshima prefecture was \$3.18, Japan's lowest regional minimum wage. In addition, regions have minimum wage rates for certain industries. These vary from region to region, but they are higher than the regional minimum wage rates, which are not industry-specific. These wage rates are sufficient to provide workers and their families with a decent living. The Ministry of Labor effectively administers various laws and regulations governing occupational health and safety, principal among which is the Industrial Safety and Health Law of 1972.

KIRIBATI

Some 63,000 people, mostly of Micronesian and Polynesian background, occupy Kiribati's 33 islands scattered across a wide area of the Central Pacific. Kiribati gained full independence from the United Kingdom in 1979 and became a republic within the Commonwealth of Nations. It has a nationally elected president and a 35-member legislative assembly elected by universal suffrage. Local affairs are handled in a manner similar to the procedures followed in New England town meetings. The only security apparatus is a small police force, responsible to and effectively controlled by civilian authority.

The economy is very small; the majority of the population is engaged in subsistence agriculture and farming. The islands' isolation and their meager resources, including poor soil and limited arable land, severely limit prospects for economic development. Fishing is viewed as one of Kiribati's few economic opportunities.

Kiribati society is egalitarian, democratic, and respectful of human rights. There were no important human rights issues in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no politically motivated killings.

b. Disappearance

There were no disappearances, nor was there any evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman or degrading punishment or other such treatment are forbidden by the Constitution, and there were no reported instances of such practices.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains safeguards against arbitrary arrest and detention, which are observed in practice. There is no exile, internal or external.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair public trial is assured by law and observed in practice. The Constitution provides that an accused person be informed of the nature of the offense with which he is charged and be provided adequate time and facilities to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is enshrined in law. Procedural safeguards are based on English common law and are generally similar to those in Western democracies. The judiciary is independent and free of governmental interference. There are no special courts for

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political or security offenses. Kiribati has no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the home is protected in law and respected by the Government. There is no arbitrary intrusion by the State or political organizations into the private life of the individual. Membership in political organizations is entirely voluntary.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are provided for in the Constitution and observed in practice. Kiribati's radio station and sole newspaper are government owned. Churches in Kiribati also publish newsletters and other periodicals. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Kiribati's Constitution provides for freedom of assembly and association, including the right to form or belong to associations for the advancement or protection of the group's interests. There are no significant restrictions in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Complete freedom of religion prevails in Kiribati. There is no state or preferred religion. Missionaries are free to seek converts and actively do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Kiribati citizens are free to travel within the country and abroad. There are no restrictions on repatriation. Kiribati has no refugees or displaced persons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is chosen by the people in free and open elections. Executive authority is exercised by the President, who is elected by the people. Three presidential candidates are nominated by the elected House of Assembly from its members. The current President has held that position since independence. The only political party is one formed to oppose some of his policies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Government and no known requests for investigations. There are no local nongovernmental organizations which concern themselves with human rights. The Government has not taken an active interest in international

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human rights matters. Kiribati is not a member of the United Nations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, or national origin. The traditional culture, in which males are dominant, has been an impediment to women taking a more active role in the economy. This is slowly changing, and more women are finding work in unskilled and semiskilled occupations. Statistics on the participation of women in the work force and comparative wages are unavailable. Women have full rights of ownership and inheritance of property. No information is available on violence against women in this isolated, rural society. If wife beating exists, it has not become a notable public concern. There were no reports of discrimination in the provision of social services by the Government. Kiribati has no significant discrimination based on race, religion, language, or social status. Kiribati society, being fundamentally egalitarian, does not have the privileged chiefly class of some other Pacific island societies.

Section 6 Worker Rights

a. The Right of Association

Kiribati workers are free to organize unions and choose their own representatives. The Government does not control or restrict the unions. Trade union members and properties are respected. The right to strike is provided for by law. However, strikes are rare, the last one having taken place in 1980.

Kiribati has a relatively strong and effective trade union movement. In 1982 the seven trade unions registered in Kiribati merged to form the Kiribati Trade Union Congress (KTUC). It has approximately 2,500 members, most of them drawn from the public service. The KTUC is affiliated with the International Confederation of Free Trade Unions. Kiribati does not belong to the International Labor Organization (ILO).

b. The Right to Organize and Bargain Collectively

Collective bargaining is a guaranteed right. Negotiations are generally nonconfrontational, in keeping with Kiribati tradition. There have been no reports of antiunion discrimination. Mechanisms exist, however, for resolving any complaints of antiunion discrimination. Kiribati has no export processing zones.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Kiribati.

d. Minimum Age for Employment of Children

Kiribati law prohibits the employment of children under age 14. Children age 15 are prohibited from industrial employment and employment aboard ships. Children are rarely employed outside the traditional economy.

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e. Acceptable Conditions of Work

Although legislation authorizing the Government to set minimum wages exists, it has not yet been implemented. The Government has under consideration an ILO-funded study on procedures for establishing minimum wages. Employment laws also provide basic health and safety standards for the workplace.

Employers must, for example, provide an adequate supply of clean water for their workers and must ensure the existence of sanitary toilet facilities. Employers are liable for the expenses of workers injured on the job. The Government's ability to enforce employment laws is constrained by a lack of qualified enforcement personnel, a lack it is attempting to remedy by improvements in training of the relevant personnel. Women may not work at night except under specified

circumstances (generally in service jobs such as hotel clerks). Women are provided up to 12 weeks of maternity leave and are entitled to not less than 25 percent of their regular salaries during such leave. Nursing women are allowed one-half hour twice a day during working hours to nurse a child.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA*

The Democratic People's Republic of Korea (DPRK), formed in 1948 during the Soviet administration of the northern half of the Korean peninsula, is a Communist dictatorship under the rule of the Korean Workers' Party (KWP). The party exercises absolute power on behalf of its leader, General Secretary Kim Il Sung, who is also President of the DPRK. Kim Il Sung, who has been in power for 41 years, has groomed his son, Kim Jong Il, as his successor. The younger Kim ranks second in the party and, like his father, is accorded deity-like status.

The North Korean regime subjects its people to rigid controls. For each person the regime establishes security ratings which determine access to employment, schools, medical facilities, and stores as well as admission to the KWP. Individual rights are subordinated to the rights of the State and the party.

In the DPRK's centralized economy, the State directs all significant economic activity. The type of economic reforms taking place in some other Communist states is absent. The people have a Spartan standard of living. Despite modest real growth in its gross national product, North Korea remains a less-developed country with serious distribution bottlenecks, nonproductive allocation of resources, and a worsening foreign debt.

In 1989 North Korea continued to deny its citizens the most fundamental human rights. The Government did open its first two Christian churches and allowed more foreign visitors. All religious organizations are controlled by the party, however, and only trusted cadres are allowed foreign contacts.

The Government imprisons persons who fail to conform to the dictates of the State and often exiles them along with their families to remote villages. The regime permits no independent press or associations, and little outside information reaches the general public except that which the Government approves and disseminates. There is no evidence that the Government has abandoned its intermittent use of state-sponsored terrorism.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

According to several defectors who are believed to be reliable, the regime has summarily executed some political prisoners and assassinated political opponents of Kim Il Sung and Kim Jong Il. For over 20 years North Korea has

*The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea forbids representatives of governments that do have relations with it, as well as journalists and other invited visitors, the freedom of movement that would enable them to assess human rights conditions there. Most of this report, therefore, is based on information obtained over a period of time extending from well before 1989. While limited in scope and detail, the information is indicative of the human rights situation in North Korea today.

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intermittently directed terrorist attacks against South Korea, including the bombing of Korean Air Flight 858 off the coast of Burma in November 1987, which killed all 115 people on board, and the September 1983 bombing in Rangoon, Burma, which took the lives of 17 high-ranking South Korean officials.

b. Disappearance

There is no information available on disappearance within North Korea. There are several reports that over the past 10 years the DPRK has kidnaped South Koreans, Japanese, and other foreign citizens outside of its borders. According to a 1988 report by Asia Watch and the Minnesota Lawyers International Human Rights Committee (MLIHRC), these kidnappings were apparently carried out to enhance Pyongyang's technical and espionage capabilities and to provide "defectors" to testify to the advances of DPRK society.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

As noted in the Asia Watch/MLIHRC report, "all available evidence indicates that, at least through the early 1980's, North Korean prisoners were routinely tortured or ill-treated during interrogation and at times during later imprisonment." The report noted that many prisoners have died from torture, disease, starvation, or exposure. Little recent documentation is available. However, Korean film producer Shin Sang-Ok and his actress wife, Choi Un-Wui (hereinafter referred to as the Shins), who claimed to have been kidnaped by North Korean operatives overseas and who escaped from North Korea officials in Vienna in 1986, attested to hearing repeated stories of beatings during incarceration. Shin personally experienced many other forms of cruel and inhuman treatment, which he claimed sometimes amounted to torture. This treatment involved denial of sleep, starvation rations, and solitary confinement, as well as being required to sit motionless for long periods of time.

d. Arbitrary Arrest, Detention, or Exile

Little information is available on specific criminal justice procedures and practices in North Korea. North Korea has refused to permit outside observation of its legal system and practices.

North Korean law provides that prisoners may be held for interrogation for a period not to exceed 2 months. This period may be extended indefinitely, however, if the Interrogation Department obtains the approval of the Chief Prosecutor. There are reports of persons being detained for 12 months without trial or charge. Shin noted that it is very difficult for family members or other concerned persons to obtain information regarding charges being leveled against an accused person or even where an accused person is being detained. Habeas corpus or its equivalent does not exist in law or in practice.

North Korean defectors to South Korea in 1989 estimated that the regime holds at least 105,000 political prisoners and their family members in "concentration camps," where they are prohibited from marrying and required to grow their own food. Based on defector testimony and other sources, the Republic of Korea estimates North Korea detains about 150,000 political detainees and family members in maximum security camps in

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remote, isolated areas. North Korean officials deny the existence of such gulags or prisons but admit the existence of "education centers" for people who "commit crimes by mistake." The Asia Watch/MLIHRC report lists 12 such prison camps believed to exist in the DPRK. The camps include four thought to have been added in 1982 to accommodate between 6,000 and 15,000 new prisoners resulting from a campaign by Kim Jong Il to purge his critics and rivals. The report states that most maximum security prisoners allegedly have been confined without trial or formal charges. Visitors and any form of communication with detainees, although once allowed, are said to be prohibited.

In 1989 North Korea continued illegally to imprison two Japanese seamen, Isamu Beniko and Yoshio Kuriura. The DPRK detained them in October 1983 in retaliation for the defection of a DPRK army sergeant who stowed away on their ship, the Fujisan Maru, and sought refuge in Japan. North Korea announced that the 2 seamen were tried in December 1987 and sentenced to 15 years' "reformation through labor" for espionage and "abduction" of a North Korean citizen. North Korea said it would release the two seamen only if Japan "delivers" the defector, who was granted permanent resident status in 1987. North Korea has refused to allow family visits to the two seamen.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law, which contains elaborate procedural guarantees. According to the Asia Watch/MLIHRC report, these safeguards are not followed in practice, and it appears the party exercises pervasive control over the criminal justice system. Article 138 of the Constitution states that "cases are heard in public, and the accused is guaranteed the right to defense; hearings may be closed to the public as stipulated by law." There are numerous reports, however, of the Public Security Ministry dispensing with trials in political cases and instead referring cases to the Ministry of State Security for imposition of punishment.

When trials are held, lawyers are apparently assigned by the Government. According to the Asia Watch/MLIHRC report, defense lawyers are not considered representatives of the accused, but rather independent parties who are "expected to help the court by persuading the accused to confess his guilt." The report adds, "The counsel must...only present facts to mitigate punishment."

The Shins noted a distinction between political and common criminals, asserting that the State affords trials only to the latter. North Korea equates "political criminals" with those who criticize the regime. Numerous other reports suggest that political offenses include such forms of lese majesty as sitting on newspapers bearing Kim Il Sung's picture.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The regime subjects the people to a pervasive program of indoctrination designed to shape and control individual consciousness. Preschool children are drilled in homage to

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Kim Il Sung and his family while school age children are subjected daily to a half day of indoctrination. Youths and adults are required to participate in daily ideological training conducted during school or at places of employment. Government-organized neighborhood units also provide indoctrination for persons who neither work nor go to school. The daily indoctrination requires rote recitation of Party maxims and policies and strives for ideological purity. Multiple North Korean security organizations enforce these controls.

The Government prevents Japanese wives of Koreans repatriated from Japan since 1959 from visiting Japan. Because their letters are subject to strict censorship, many have lost contact with their families.

Although the Constitution states that "citizens are guaranteed the inviolability of person and residence and the privacy of correspondence," the practice is otherwise. The Government has developed a pervasive system of informers throughout the society and, according to the Shins and several defectors, electronic surveillance of residences is also pervasive. In school, the authorities encourage children to discuss what their parents have said at home. The Government conducts monthly "sanitation" inspections to check on household activities. Each house is required to display portraits of Kim Il Sung and Kim Jong Il. The Asia Watch/MLIHRC report concluded that "because of the surveillance and the attendant risk of consequences, fear appears to govern all social relationships."

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution states that "citizens have the freedoms of speech, the press, assembly, association, and demonstration," the regime permits such activities only in support of government objectives. Other articles of the Constitution that require citizens to follow the "Socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties. Amnesty International's 1988 Report stated that the Government strictly curtails the rights of freedom of expression and association guaranteed under the International Covenant on Civil and Political Rights, to which North Korea acceded in 1981. According to these sources, persons criticizing the President or his policies were liable to punishment by imprisonment or "corrective labor." A defector interviewed by Asia Watch/MLIHRC in 1986 reported that a scientist, whose home was bugged through his radio set, was arrested and executed for statements made at home critical of Kim Il Sung.

Foreign media are excluded, domestic media censorship is enforced, and no deviation from the official government line is tolerated. The regime prohibits listening to foreign media broadcasts except by high government officials, and violators reportedly are subject to severe punishment. Most urban households have radio and some have television, but reception is limited to domestic programming. The Government controls artistic and academic works, and visitors report that the primary function of plays, movies, operas, and books is to contribute to the cult of personality surrounding "the great leader," Kim Il Sung, and "the beloved leader," Kim Jong Il.

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b. Freedom of Peaceful Assembly and Association

No public meetings can be held without government authorization. There appear to be no organizations other than those created by the Government. The State even prohibits apolitical groups such as neighborhood or alumni organizations. Professional associations exist solely as another means of government control over the members of these organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Constitution provides that "citizens have religious liberty and the freedom of antireligious propaganda," the regime, in fact, has severely persecuted Christians and Buddhists since the late 1940's and discriminates against persons whose family or relatives once had a strong religious involvement.

Despite these purges, the regime today uses government-sponsored religious organizations to proclaim the practice of religious freedom. The DPRK claims to have 10,000 Christians who worship in 500 home churches. A few Buddhist temples are in operation, and the country's first two Christian churches were built in late 1988. The churches are included in the fixed itinerary for many foreign visitors to Pyongyang. Some visitors attest to the authenticity of the church services and to the faith of the several dozen worshipers observed. Other visitors say the church activity appears staged. No North Korean religious official is ever known to have preached that there is any moral authority higher than that of Kim Il Sung. Worship of Kim, his family, and his *juche* (self-reliance) ideology is the only completely functioning religion in North Korea.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The DPRK regime strictly controls internal travel, requiring a travel pass for any movement outside one's home village; these passes are granted only for required official or certain personal travel. Personal travel is usually limited to attending the wedding or funeral of a close relative. Long delays in obtaining the necessary permit often result in denial of the right to travel even for these limited purposes. State control of internal travel is also ensured by a ration system that distributes coupons valid only in the region issued.

Reports, primarily from defectors, indicate that forced resettlement, particularly for those deemed politically unreliable, is common. Permission to reside in, or even enter Pyongyang, the capital, is strictly controlled.

Foreign travel is limited to officials and trusted artists, athletes, and academics. The regime does not allow emigration, and only 1,000 or so defectors have succeeded in fleeing the country. The regime retaliates against the relatives of those few persons who manage to escape.

In 1989, in a rare departure from isolationist controls, the DPRK sent students to a short seminar in Japan. Aside from this, the regime does not allow students to study outside of

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Communist countries for any period. It tightened controls over DPRK students studying abroad when six defected from Eastern Europe in 1989.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea in response to nationalistic appeals. Despite DPRK assurances that the wives, 1,828 of whom still had Japanese citizenship, would be allowed to go home to Japan every 2 or 3 years, none is known to have returned to Japan and most have never been heard of again. The Asia Watch/MLIHC report and other sources say most of the returnees and their families are categorized in the "wavering class," given poor food, clothing, and housing, subjected to hard labor, and treated with contempt. When reports of their harsh treatment became known overseas, voluntary repatriation dried up.

North Korea has permitted entry to several thousand overseas Korean residents in Japan, China, North America, and elsewhere to visit their relatives. Recently the regime has granted entry to greater numbers of other visitors, including journalists, tourists, and 15,000 foreign participants in the 13th World Festival of Youth and Students held in Pyongyang in July 1989. Visitors are closely monitored and itineraries are usually fixed, although some visitors reported they were allowed to walk freely around the vicinity of their hotels.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is no mechanism by which the citizenry can effect transitions in leadership or changes in government. The political system is completely dominated by Kim Il Sung and heir-designate Kim Jong Il. The legislature, the Supreme People's Assembly, which meets only a few days a year, has never taken any action other than unanimous passage of resolutions presented to it by the leadership. In an effort to create an appearance of democracy, the DPRK has created several "minority parties." They exist only as rosters of officials who have token representation in the People's Assembly and completely support the government line.

Free elections do not exist in North Korea. Although elections to the Supreme People's Assembly were held in November 1986, and to provincial, city, and county assemblies in November 1989, in all cases the Government approved only one candidate in each electoral district. According to the government-controlled media, over 99 percent of the voters turned out to elect 100 percent of the approved candidates. Such "elections" are an exercise in which people are forced to participate and to approve the party's candidates. Despite the long and rigorous selection process for membership in the KWP, most party members have no voice in decisionmaking, serving only to carry out the decrees promulgated by party leader Kim Il Sung and his top subordinates.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No organizations exist within North Korea to report on or observe human rights violations. North Korea does not participate in any international or regional human rights organizations.

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The Government has not allowed Amnesty International (AI), Asia Watch, the MLIHRC, or any other international organization to visit North Korea to monitor human rights practices. A DPRK representative called a preliminary version of the Asia Watch/MLIHRC report "full of lies and fabrications," and warned that if it were published, the human rights organizations would "be held fully responsible for all the consequences arising therefrom."

When Scandinavian delegates to the World Festival of Youth and Students attempted to unfurl banners reading "Where is Amnesty?", they were attacked and temporarily detained by the police. DPRK officials later gave assurances that two AI representatives would be permitted to enter, but DPRK delays in processing the visa applications prevented the trip.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution states that "women hold equal social status and rights with men." However, few women have reached high levels of the party or the Government. Women are represented proportionally in the labor force, with the exception of small factories where the work force is predominantly female.

The regime discriminates against the physically handicapped. Handicapped persons, other than war veterans, are reportedly not allowed within the city limits of Pyongyang. According to the Asia Watch/MLIHRC report, authorities check for deformities in the capital city every 2 or 3 years and remove the disabled, some of the elderly, widows, and the sick to the countryside. The dwarf community has been banished to a remote mountain settlement.

Nothing is known about the extent to which violence against women is practiced or tolerated.

North Korea is a homogeneous country and is relatively devoid of minority groups.

Section 6 Worker Rights

a. The Right of Association

Free labor unions do not exist in North Korea. Because the party by definition purports to represent the interests of labor, trade unions exist in form only. They do not have the right to strike.

b. The Right to Organize and Bargain Collectively

Workers have no right to organize or to bargain collectively.

c. Prohibition of Forced or Compulsory Labor

There is no prohibition on the use of forced or compulsory labor. The Government routinely uses military conscripts for forced labor. The Shins reported that conscripts are not told where they will serve or for how long. AI's 1987 Report cites reports that some "political prisoners" were allegedly sentenced to "corrective labor" which could be served at a person's normal workplace (working for some or no wages) or at farms or mines in areas where conditions are very harsh.

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d. Minimum Age for Employment of Children

No data are available on the minimum age for employment of children.

e. Acceptable Conditions of Work

No data are available on minimum wages or occupational safety and health. Wages are set by government ministries. The State assigns all jobs; ideological purity, rather than professional competence, is the primary standard used in deciding who receives a particular job. Laborers have no input into management decisions. Absence from work without a doctor's certificate results in a reduction in a worker's rations. The Constitution stipulates a workday limited to 8 hours, but several sources report that most laborers work 12 to 16 hours daily. The regime's propaganda euphemistically refers to these extra hours as "patriotic labor" done on a "voluntary" basis by the workers.

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The Republic of Korea (ROK) is moving away from its authoritarian past and has made great strides towards attaining full democracy. However, the process of consolidating democratic institutions and practices is still ongoing. In December 1987, Roh Tae Woo became Korea's first directly elected President since 1971, defeating three opposition candidates. In the April 1988 legislative elections, the three opposition parties together gained majority control of the National Assembly. Since that time, the power of the Presidency has been reduced and the role of the National Assembly greatly enhanced. The current National Assembly is more independent of the Executive than were previous assemblies.

Korea's powerful security services were noticeably less active during 1988 than they had been in the past. However, their activities increased again in 1989. From April through June, the Government temporarily grouped representatives of the security agencies into the Joint Security Investigations Headquarters (JSIH). During this period, several hundred people were arrested for alleged security law violations. The arrests continued after the JSIH was disbanded in June. While the police are relatively well trained and disciplined, there were credible reports of the use of excessive force in a number of instances.

After 3 years of unprecedented 12 percent annual GNP growth, Korea's export-driven economy slowed somewhat to a still healthy projected rate of 6 to 7 percent for 1989. Tensions in labor-management relations continued, while urban housing shortages, rural migration to the cities, and unbalanced regional development continued to pose problems. However, increasing domestic demand suggested continuing strong growth.

In 1988 President Roh released several hundred political prisoners and the overall human rights situation improved greatly. However, over the course of 1989, the National Security Law and the Law on Assembly and Demonstrations were used with increasing frequency against dissidents. Some prisoners held on security charges or for labor law violations were prevented from meeting with their lawyers. There were some credible allegations of torture. The National Assembly abolished the Social Safety Act but failed to amend the controversial National Security Law and the Law on the Agency for National Security Planning (NSP, formerly the KCIA). Nevertheless, on balance Korea remains a much more tolerant and open society than in the past. In particular, a boisterous free press that frequently criticizes the Government ensures that allegations of human rights violations are widely publicized.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no documented cases of political killings by the security forces in 1989. However, some dissident and student activists have raised questions about the suspicious deaths of two student leaders. In two cases, students were responsible for deaths in connection with their political activities. In May seven riot policemen were killed while trying to free

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colleagues being held hostage by students in Pusan. In October six student radicals beat to death a suspected student informer.

On the night of May 3, police in Kwangju stopped a taxi carrying wanted student activist Lee Chol Kyu. Lee allegedly escaped from the police in the area of a nearby reservoir. One week later his body was found floating in the reservoir. An autopsy resulted in a conclusion of death by accidental drowning. Some students and dissident activists claimed that Lee was actually tortured and murdered. However, they provided no persuasive evidence to back their claim. The activists' attempt to bring a U.S. specialist to do a second autopsy as requested by Lee's parents was initially approved by the Government. However, the Government later ordered the American doctor not to examine the body because to do so, the Government claimed, would have been a violation of the doctor's visa status.

In August the body of another student leader was found in the water off the southern coast. The government coroner ruled it the result of accidental drowning, but in October opposition members of the National Assembly raised questions about the circumstances of the death and demanded that the Government undertake a new investigation. By year's end, the Government had completed its new investigation, confirming the original conclusion of accidental death.

The seven policemen who were killed in Pusan in early May had been storming a university building in which student dissidents held five policemen hostage in a bid to have fellow students released from jail. When the police stormed the building, one student ignited a fire that resulted in the deaths of the seven policemen. Seventy-one students were tried; 35 received suspended sentences while the others received sentences up to life imprisonment. Students and supporters, angered by the sentences, stormed and occupied the university president's office for 3 days before retreating.

In mid-October, six students at Yonsei University abducted a student they accused of being an informer and beat him to death. The six eventually turned themselves in to the police and have been charged with murder. A trial was pending at year's end.

In separate incidents in June, two criminal suspects died shortly after being taken into police custody. Witnesses said that both men died after being beaten by the police. Nine people, including seven policemen, were arrested and charged in connection with these two deaths. The seven policemen and one civilian security guard were convicted. One policeman was sentenced to 5 years in prison; the other defendants were given 3-year sentences.

b. Disappearance

There were no documented cases of permanent disappearances during 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Some credible allegations of torture were made during the last half of 1989 by persons arrested under the National Security Law. They claimed that they were tortured while being

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interrogated by the NSP or the prosecutors. The alleged mistreatment reportedly included acute sleep deprivation, being forced to stand during long periods of questioning, verbal abuse, beatings, and the forced administration of drugs.

In convicting former National Assemblyman Suh Kyong Won of espionage in December, the court rejected Suh's claim that he was tortured into making a confession (Section 1.e). Suh's aide was also convicted of espionage. In the aide's case, the judges did not rule out the possibility that he was mistreated while in custody.

In late October, an official of the Ministry of Finance was acquitted on charges of taking a bribe when the judge determined that the official had been tortured into making false statements. The official had testified that prosecution investigators had repeatedly beat him in the face and head in order to make him confess.

Regarding a January 1987 police torture case, the Seoul District Civil Court in November ordered the Government and a number of police officials to pay about \$194,000 in compensation to the father of student activist Park Chong Chol, who died during police interrogation.

The police apparently employed excessive force on some occasions throughout 1989. In August a group of teachers collecting signatures supporting their effort to form a union were reportedly dragged into a police bus and beaten with iron rods wrapped in newspaper. On August 20, several demonstrators were beaten, and four of them injured by police on the grounds of Chonju's Catholic Cathedral. The police asserted that they went onto the cathedral grounds because the demonstrators were throwing rocks at them. Throughout most of the year, student protesters threw rocks and firebombs at police in demonstrations, except for a 4-week period in May following the deaths of the seven Pusan policemen.

Conditions in Korean prisons have reportedly improved somewhat. However, a report of the Government's Board of Audit and Inspection revealed a serious shortage of medical personnel in the prison system. Moreover, human rights activists still claimed that political prisoners were sometimes subjected to sleep deprivation and psychological pressure.

d. Arbitrary Arrest, Detention, or Exile

Under the Roh administration, Koreans are freer to criticize the Government than in the past. Nonetheless, over the course of 1989, the National Security Law was used with increasing frequency against people who expressed views the Government considered dangerous. From April through June, the JSIH investigated alleged security cases and arrested several hundred persons.

The Government acknowledges that 2,094 people were arrested on "security-related charges" from the beginning of President Roh's administration in February 1988 until the end of August 1989. More than half (1,315) were arrested since the beginning of 1989, including 284 for violating the National Security Law. This represents a substantial increase over the 779 similar arrests recorded in the 10 months of Roh's

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administration in 1988, none of which were for violations of the National Security Law.

According to the National Police, during the first 18 months of the Roh Government, 190 people were arrested for publishing or possessing books or articles originating in or praising Communist North Korea, 15 for seeking contact with North Koreans, and 37 for association with "antistate organizations." In addition, approximately 35 teachers were arrested in connection with attempts to form a teachers' union. Union organizers were arrested for trying to exercise the right of assembly. Allegedly, 150 to 200 trade unionists were arrested on various charges in 1989.

A major step forward in the human rights area in 1989 was the National Assembly's decision in May to abolish the Social Safety Act (also referred to as the Public Security Law), long opposed because of its broad authority to keep under surveillance or in custody persons who had completed their sentences for sedition, espionage, or other security violations. Disposition of cases under the Social Safety Act were administrative in nature, and the normal rules of criminal procedure did not apply; there were limited appeal rights. The 35 people held under the Act in the Chonju Preventive Detention Center were all released by the end of the year.

The Assembly also revised the Act for the Protection of Society, which allows for preventive detention of habitual criminals. The revised law more clearly defines those who may be kept in protective custody, leaves the decision on whether to impose a custody order in the hands of judges and not administrative authorities, and requires yearly review of each detention order. The Government announced that 1,200 of the 4,407 people held under this Act would be released by the end of 1989. (In fact, 225 people were released.)

Warrants are required by law in cases of arrest, detention, seizure, or search, unless a criminal is apprehended while in the act of committing a crime. However, lawyers state that warrants were not presented at the time of detention in many cases throughout 1989. In some political cases, suspects were detained for more than the legal limit of 48 hours without being formally arrested. (Student activist Im Su Kyong, who visited North Korea without government permission, was detained on August 15 and not charged until August 20.) In criminal cases indictments must be handed down within 30 days of arrest or 50 days in National Security Law cases. However, these requirements were not always observed.

The Constitution specifically provides the right to representation by an attorney, but attorneys are not allowed to be present during interrogation. Lawyers say that in National Security Law cases they are very rarely allowed to see their clients at all during the investigation phase, which can last up to 50 days. In 1989 lawyers for the first time sought court orders allowing them to see their clients. However, on at least three occasions in July and August, either the National Security Planning Agency or the prosecutor refused to respect court orders calling on them to allow prisoners arrested under the National Security Law to meet with their attorneys. On September 1, the Government proposed to the National Assembly an amendment to the National Security Law which would legalize the prosecutor's current de facto control over when, where, and for how long lawyers are allowed

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to see clients being investigated for security law violations. The National Assembly has not yet acted on this proposal.

There is a functioning system of bail in Korea. Late in the year bail was even granted in some National Security Law cases. In early November, a Seoul judge granted bail to a student activist who had been arrested for distributing "materials benefiting North Korea," without having received a bail request from the defendant. Later in the month three minor figures in the Suh Kyung Won case were also released on bail. The right to a judicial determination of the legality of a person's detention was deleted from the Code of Criminal Conduct in 1973, partially restored in 1980, and then fully restored in late 1987.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of a Fair Public Trial

The Constitution gives defendants a number of rights in criminal trials, including a presumption of innocence, protection against self-incrimination, freedom from ex-post facto laws and double jeopardy, and the right to a speedy trial. When a person is physically detained, his initial trial must be completed within 6 months of arrest. These rights are generally observed.

The Chief Justice and the other Justices of the Supreme Court are appointed by the President with the consent of the National Assembly. Lower court justices are appointed by the Chief Justice with the consent of the other Justices.

Trials are open to the public, but attendance is sometimes restricted. A large number of police are present at some trials; courtroom audiences sometimes create disturbances and disrupt the proceedings. Judges generally allow considerable scope for examination of witnesses by both the prosecution and defense counsel. The right to an attorney is respected in political cases once the initial investigation is completed. Political and criminal cases are tried by the same courts; military courts do not try civilians. Defendants have the right of appeal, and appeals can result in reduced sentences. Death sentences are automatically appealed.

Historically the executive branch exercised great influence on judicial decisions. However, there were some indications of increased judicial independence in 1989. In a number of cases the Constitutional Court, which began operations in September 1988, found that the Government had violated the constitutional rights of individuals. The Supreme Court invalidated the results of elections for two National Assembly seats due to election law violations by the victorious ruling party candidates. Meanwhile, lower courts convicted two brothers of former President Chun Doo Hwan and one of Chun's closest aides on corruption charges and sentenced them to prison. A Seoul court also acquitted a government official of bribery charges when the judge determined that prosecution investigators had beaten him in order to extract a confession. However, criticism that the judiciary is still subject to political influence in politically sensitive cases remains.

Human rights sources put the number of "political" prisoners at around 800 at the end of 1989. This figure includes persons who committed acts of violence such as firebomb

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attacks on government facilities. In some cases, it appears that the National Security Law was used to restrict the exercise of the basic rights of free speech and assembly. According to the Justice Ministry, 695 people were actually imprisoned for "security-related offenses" during the first 8 months of 1989. As of mid-September, 219 were already tried and convicted while the rest still awaited trial.

It is difficult to estimate accurately the number of political prisoners since many people are detained and then released without charges or charged and then released without being tried. It is particularly difficult to determine if someone is a political prisoner in cases involving the Law on Assembly and Demonstrations and the Labor Laws. In November the Government announced that 646 people were in custody for "National Security" reasons, including 342 charged under the National Security Law, 226 charged under the Law on Assembly and Demonstrations, and 91 charged under various laws for their participation in labor disputes. Without specific information on each case, it is impossible to tell if someone was arrested for exercising the right of free association or for violent acts during demonstrations. However, it is estimated that as of August 1989, the number of political prisoners by international human rights standards is in the low hundreds. This figure was not substantially changed by a Christmas amnesty under which 27 people whom the Government described as "radical leftists" were released from prison. The Government asserts there are no political prisoners.

The most highly publicized National Security Law cases of 1989 involved unauthorized travel to North Korea. The Government maintains that it must control all contact with North Korea, which it defines in the National Security Law as an "antistate organization." The Government approved the February visit to North Korea of the honorary chairman of Hyundai, a large industrial organization. However, subsequent visits by dissident pastor Moon Ik Hwan, student activist Im Su Kyong, and Catholic priest Mun Kyu Hyun were not authorized and the three were arrested under the National Security Law upon their return. The three were charged with visiting the North without authorization, making statements praising North Korea, and "supporting the northern line." In early October, Rev. Moon Ik Hwan was convicted and sentenced to 10 years imprisonment. Both the prosecution and the defense are appealing this decision.

The Government also charged former opposition National Assemblyman Suh Kyung Won with espionage after it was learned in June that he had visited North Korea without government permission. Suh admitted going to North Korea, but denied that he had spied for the North. In December a Seoul court rejected Suh's contention that he was forced to sign a false confession and convicted him of espionage. Suh was sentenced to 15 years in jail.

In addition, a number of people--including Kim Dae Jung, the leader of Korea's largest opposition party--were charged under the National Security Law for knowing about these unauthorized trips and failing to inform the authorities. No further legal action was taken against Kim Dae Jung. However, nine people tried on this charge in connection with the Suh case were convicted and given suspended sentences.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In general, the Government honors the right of personal privacy and the integrity of the home and family. However, many political and religious figures are still subjected to varying degrees of government surveillance. Opposition assemblymen have charged in the National Assembly that telephone tapping and the opening or interception of correspondence are prevalent. In August the chief of the Korean National Police (KNP) told the National Assembly that of some 53,116 people convicted of violating the National Security Law, some 10,000 are still under surveillance. In late July, police and agents of the NSP broke into the campaign headquarters of a dissident candidate running in a National Assembly by-election. The agents reportedly stole a document on campaign strategy.

Listening to North Korean radio is illegal if the authorities judge it is for the purpose of "benefiting the antistate organization" (i.e., North Korea). Reading or purveying books or other literature considered to be subversive, pro-Communist or pro-North Korean is also illegal. Beginning with Moon Ik Hwan's visit to North Korea in early 1989, an increasing number of people were arrested for these kinds of offenses.

The security presence in city centers, near university campuses, government buildings, ruling party offices, and media outlets is heavy. Citizens, particularly students and young people, are sometimes stopped, questioned, and searched. Government informants are known to be posted on and around university campuses.

Parental rights to educate children are broad. Persons thought to have politically suspect backgrounds, however, are still denied some forms of employment and advancement, particularly in government, the broadcast media, and education. Many human rights activists say that big corporations still retain an informal system of blacklisting "undesirables."

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government continues to apply the National Security Law against publishers, printers, and distributors who produce or sell "subversive, ideological" literature. Restrictions on the expression of ideas which the Government considers Communist or pro-North Korean remain severe, despite provisions in the Constitution guaranteeing freedom of speech. The Seoul district court in late September ruled in a civil case that the Culture and Information Ministry's policy of banning "antistate" and "antisociety" books was illegal. However, this did not prevent the Government from publishing an updated list of banned books in late November.

Overall, the expression of opposition views is far less restricted than under previous administrations, and debate is allowed on previously taboo subjects, such as criticism of the President and his family. The Government has allowed an increase in media coverage of North Korea, within its guidelines, producing a reaction by rightwing factions which hope to counter such leftist journalism with new publications of their own. The Government has also allowed somewhat wider

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public access to selected North Korean publications. Many newspapers and magazines, mostly leftwing and sharply critical of the Government, appeared in Korea after the 1987 press law took effect.

Although direct government control over the print media has virtually disappeared, some institutions such as the Defense Security Command, the NSP, and other government organizations with responsibility for North Korean or Communist affairs remain basically inaccessible to journalists.

The Government arrested editorial writer Lee Young Hee of the newspaper Hankyoreh Shinmun for planning unauthorized coverage of North Korea. Some see Lee's arrest as an effort to still his editorial voice, though there has been no censorship of the paper's scathing criticism of the Government. Lee was convicted and given a suspended sentence. Also, a Hankyoreh Shinmun reporter was charged with failing to report to authorities an interview with Assemblyman Suh Kyung Won concerning Suh's unauthorized trip to North Korea.

The move to unionize newspapers throughout the country, begun in 1988, continued to be a major source of conflict in Korean newspaper and broadcasting organizations. All major newspapers and broadcasting corporations in Seoul now have labor unions.

Despite indirect government ownership of the two Korean television networks, the electronic media moved toward a relatively neutral political stance while still remaining less independent than the print media. Behind this trend, in part, lies the increasing importance of labor unions in the broadcasting industry.

The Government continues to limit academic freedom, both directly and indirectly. Professors and university administrators are expected to play an active role in preventing campus demonstrations, a task many find objectionable. There is rising sentiment for greater university autonomy. There is also a threat to academic freedom from radical leftist students who physically attack the person or property of professors whose lectures or writings contradict the students' ideology.

b. Freedom of Peaceful Assembly and Association

Most peaceful, nonpolitical assemblies take place entirely without official supervision or restriction. However, the Law on Assembly and Demonstrations prohibits assemblies considered likely to "undermine" public order, and requires that demonstrations of all types, including political rallies, be reported in advance to the police. Violation of the law carries a maximum sentence of 7 years' imprisonment or a fine.

The Government continues to block many gatherings organized by dissidents and particularly students, arguing that they might incite "social unrest" and are therefore illegal. Police usually try to prevent student demonstrations from moving off campuses, and confrontations frequently ensue. These clashes often involve violence on both sides.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

There is no state religion in Korea. Full freedom prevails for proselytizing, doctrinal teaching, and conversion. Korea both sends and receives missionaries of various faiths, and many religious groups in Korea maintain active links with members of similar faiths in other countries. The Government and the public do not discriminate against minority sects. Adherence to a particular faith confers neither advantages nor disadvantages in civil, military, or official life.

Churches and religious groups are subject to most of the restrictions on political activities that apply to other institutions. Many of the most vocal and well-organized critics of the Government are religious in nature; these include Catholic, Protestant, and Buddhist groups. Church buildings and grounds are sometimes used as a refuge by leftwing rioters during clashes with police. While the police generally respect the principle of sanctuary, they entered the grounds of the Catholic cathedrals in Seoul and Chonju in 1989. Occasionally, police have entered church buildings in order to confront students, dissidents, or trade unionists.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is universal freedom of movement and freedom to change employment within the country. On January 1, the Government dropped all age limitations on foreign travel. Previously these restrictions had prevented most young and middle-aged people from going overseas. Travel to North Korea is allowed only with Government approval. Political opponents are sometimes banned from overseas travel even if they are not being sought by the authorities for the commission of a crime. For the first 8 months of 1989, the Government announced that 1,955 people were forbidden to go overseas. This figure includes those involved in criminal offenses, government and business figures under investigation in connection with Fifth Republic corruption, dissidents and student activists. Some students were barred from going abroad in late June to prevent their participation in Pyongyang's World Youth Festival. Other students were prohibited from foreign travel because they were suspected of organizing antigovernment demonstrations, trying to contact North Koreans, or attempting travel to North Korea.

A small number of Indochinese refugees sought first asylum in Korea in 1989. In midyear the Korean Government adopted a policy of refusing landing to boats of Indochinese asylum seekers. A group of 78 Vietnamese boat people set fire to their boat in June to avoid being driven back out to sea by the maritime police; they were eventually taken to the Korean resettlement camp in Pusan. In late August, a boat carrying about 150 Vietnamese boat people was not allowed to land. Korean authorities did not admit that they denied landing.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Korean people have the right to freely and fairly choose their own government. In 1987 they chose their President in a free and fairly contested election. In 1988 legislative elections, they chose a majority of opposition party members to the National Assembly.

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The Constitution, as amended in 1987, provides for the direct election of the President and for a mixed system of direct and proportional election of legislators. The President serves a single 5-year term and cannot be reelected. The Assembly's term is 4 years. The new Constitution strips the President of his power to dissolve the Assembly. There is universal suffrage for all citizens age 20 or above, and elections are held by secret ballot.

Political power has traditionally been centered in the person of the president, strongly supported by the military and security agencies. The situation began to change, however, when the three opposition parties won a majority in the National Assembly in the April 1988 general election.

There is as yet no local autonomy in Korea, although the Assembly passed a law in December calling for local council elections in 1990 and local chief executive elections in 1991. The President and the members of the Assembly are the only elected officials in the country.

The National Assembly in 1989 continued its more independent role. In addition to abolishing the Social Safety Act and amending the Act for the Protection of Society, the Assembly also amended the Law on Assembly and Demonstrations. Because of the Assembly's more independent role, the President used his veto power on a number of occasions during the year. Nonetheless, the Assembly has been marked by differences of opinion, not only between the ruling and opposition camps, but also among the opposition parties themselves. These differences have prevented the Assembly from amending other laws remaining from former President Chun Doo Hwan's Fifth Republic which many Koreans consider to be undemocratic.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Republic of Korea does not welcome outside involvement with respect to human rights, government and ruling party officials have generally been willing to meet with international human rights groups, including a group from the Robert F. Kennedy Foundation that visited Korea in November. That group was confronted with protesters during its stay in Seoul, but the Government denied any involvement. In addition, foreign human rights groups have been allowed to observe elections, and the Government has regularly discussed human rights with foreign diplomats. In the case of student activist Lee Chol Kyu's death, the Government refused to allow an American doctor to perform a second autopsy as requested by the student's parents.

According to the Government, public prosecutors and the human rights division of the Ministry of Justice are responsible for protecting human rights and investigating violations. The Government points to President Roh's June 29, 1987 pledge of democratization and the developments that followed as proof of the current Government's full commitment to democratization and the safeguarding of basic human rights.

The Government justifies its broad security laws and the resulting restrictions by arguing that Korea is in a special situation. The Korean war ended with the signing of an armistice, not a peace treaty, and North Korea remains a formidable threat. The Government asserts that unauthorized

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attempts to contact North Korea threaten the Government's efforts to ensure peaceful reunification on the basis of democracy and respect for human rights.

The National Assembly and the major political parties all have committees concerned with various aspects of human rights. In addition, several nonaffiliated private organizations are active in promoting human rights. Chief among these groups are the Lawyers Group for a Democratic Society, the Human Rights Committee of the Korean National Council of Churches, the Catholic Priests' Committee for Justice and Peace, the Korean Bar Association, and the Korean Legal Aid Center for Family Relations. These groups publish reports on the human rights situation in Korea and make their views known both inside and outside the country.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Republic of Korea is a densely populated and racially homogeneous country. There are no ethnic minorities of significant size. Nonetheless, regional rivalries exist in Korea. Many Koreans believe that persons from the southwestern region (North and South Cholla provinces) have traditionally faced discrimination and that successive governments led predominantly by figures from the southeastern region (North and South Kyongsang provinces) have neglected the economic development of the Cholla provinces.

Korea's conservative Confucian tradition has left women subordinate to men socially, economically, and legally. Some progress has been made since the founding of the Republic: women can vote, become government officials, and hold elected office. Women enjoy full access to educational opportunities.

The National Assembly enacted an Equal Employment Opportunity Law in 1988, which condemns sexual discrimination in hiring and wages and calls for improved work conditions for women (for example, no night work and limits on overtime). However, it contains no enforcement provisions and has had only limited practical effect so far.

Despite a constitutional guarantee of equal rights for men and women, traditional social customs are still reflected in the law, particularly in family law. Some forms of discrimination still remain in family, law and women's rights groups actively campaign for changes. For example, the father has final parental rights over the children in divorce cases. In December the National Assembly passed a revised family law which for the first time makes it possible for a woman to head a household and to inherit property upon the death of her husband. (Women can hold property in their own names.) The new law increases the wife's share of the estate to 50 percent upon her husband's death and divides the remainder equally among male and female children. The revised law also abolishes the household head's right to designate where the members will live, abolishes the requirement that a married couple move to the husband's place of residence, and expands the legally recognized family relationship to include the wife's relatives.

Korea experienced a jump in traditionally low rates of violent crime in 1989. Although violent crimes are directed against women, reliable data on their prevalence are not available. A number of cases have surfaced involving women being kidnapped

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and sold into prostitution. Wife beatings and other abuses of women are known to be a problem, but no reliable data on their extent are available. The Government has made crimes against women one of its top priorities in its law and order campaign and arrested and prosecuted suspects in several cases. However, a number of female kidnap victims have complained that the police were unhelpful or unsympathetic to their attempts to escape from their abductors.

Section 6 Worker Rights

a. The Right of Association

The Constitution gives workers the right to free association. When a new union is formed, it must notify the Government. New unions continued to register in large numbers during 1989. As of February 1989, some 1.7 million workers, or 22 percent of the civilian work force, was unionized. Only one union is permitted at each place of work, and there is no minimum number of members required to form a union. Companies have taken advantage of this provision of the law to form small, company-controlled unions, which labor organizers have often found difficult to replace with more representative unions.

The majority of Korean trade unions are affiliated with the Federation of Korean Trade Unions (FKTU). The FKTU is affiliated with the International Confederation of Free Trade Unions. Most of its constituent unions maintain affiliations with international trade secretariats. Some 15 percent of unionized labor belongs to so-called "democratic unions," which are not affiliated with the FKTU. These unions are grouped into regional councils, but have no national organization. However, plans are underway for a new national organization called the National Council of Labor Unions. (In fact, the law prohibits the formation of a second national union structure.) The non-FKTU unions are not affiliated with international labor groups.

In the spring of 1989, the National Assembly passed several amendments to the Trade Union Law, which would have lifted the ban on union involvement in electoral politics and legalized some public sector unions. However, President Roh vetoed the bill. The President also vetoed amendments to the Labor Dispute Adjustment Act which would have modified the prohibition against third-parties--except for the Government and the FKTU--intervening in labor disputes. So far the Government and National Assembly have had little success agreeing on reforms that would improve the legal framework for labor-management relations, which basically remains unchanged from the Fifth Republic.

Korea is not a member of the International Labor Organization (ILO), but has sent observer delegations to the ILO annual conferences since 1982. Korea is interested in joining the ILO. In preparation for eventual membership, the Ministry of Labor has prepared an analysis of how well Korea's labor laws comply with ILO standards as well as proposals for closing most of the remaining gaps.

Strikes are prohibited in government agencies, state-run enterprises, and defense industries. Laws requiring that enterprises in public interest sectors such as public transportation, utilities, public health, banking, broadcasting, and communications submit to government-ordered

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arbitration restrict the ability of workers in these industries to strike. The Labor Dispute Adjustment Law requires that unions notify the Ministry of Labor of an intention to strike and mandates a 10-day "cooling-off period" before a strike can actually begin. (The cooling-off period is 15 days in public interest sectors.)

The Government began to take a more active role in labor-management disputes in 1989. Riot police broke up a number of illegal strikes, including those by Seoul subway workers, workers at Poongsan Metal (a major ammunition manufacturer), and a protracted strike at the Hyundai shipyards. The Government has also taken a hard line against attempts to form a teachers' union. Such a union is illegal under current law. As of early September, over 1,300 unionized teachers had been fired and more than 40 arrested.

b. The Right to Organize and Bargain Collectively

The Constitution and the Trade Union Law guarantees the autonomous right of workers to enjoy freedom of association, collective bargaining, and collective action. Extensive collective bargaining is practiced. Korea's labor laws do not extend the right to bargain collectively to government employees, including employees of state or public-run enterprises and defense industries. A 1985 law provides that workers in Export Processing Zones (EPZ's) are to receive the same right to bargain collectively as other workers. In practice, equal treatment in the two existing EPZ's began only in the summer of 1987. But in response to a law suit filed by a Japanese company operating in the Masan EPZ, the Ministry of Labor concluded in August that a 1970 law required the Government to treat companies operating in the EPZ's as public-interest enterprises. This designation will make it difficult for unions at EPZ companies to strike legally, because in cases of labor-management disputes in public sector enterprises, the parties can be required by the Government to accept mandatory arbitration. While arbitration decisions can be appealed in the courts, such disputes tend to be prolonged.

As part of its more active labor policy, the Government has also begun an extensive public relations campaign to convince workers that wage increases must be matched by similar increases in productivity. The effort is intended to hold wage increases in 1990 to under 10 percent.

There is no independent system of labor courts. The central and local labor committees form a semiautonomous agency of the Ministry of Labor that adjudicates disputes in accordance with the Labor Dispute Adjustment Law. Each labor committee is composed of equal representation from labor, management, and "the public interest." The local labor committees are empowered to decide on remedial measures in cases involving unfair labor practices and to mediate and arbitrate labor disputes.

Many major employers are strongly antiunion. In a number of cases, "save the company squads" have been hired to beat up union organizers and to intimidate workers. The authorities have not been effective in investigating such incidents. In one case, an employee of a striking Seoul taxi company was killed by fellow employees. The union claimed the assailants--who were arrested--were part of a "save the company squad." The authorities claimed otherwise, describing them as "anti-union workers." As in the past, there have been

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cases of violence against property by workers, often causing extensive damage. There have also been cases in which workers have held company executives against their will for brief periods of time.

c. Prohibition of Forced or Compulsory Labor

The Constitution provides that no person shall be punished, placed under preventive restrictions, or subjected to involuntary labor except as provided by law and through lawful procedures (Art. 12, Sec. 1). Forced or compulsory labor is not condoned by the Government. The Government has investigated a number of incidents in which private persons sold women into prostitution and forced men to work involuntarily on fishing boats. The Government has also investigated a number of charges by workers that employers were demanding compulsory labor in the form of overtime work beyond the legal maximum.

d. Minimum Age for Employment of Children

The Korean Labor Standards Law prohibits the employment of persons under the age of 13 without a special employment certificate from the Ministry of Labor. However, because there is compulsory education until the age of 13, few special employment certificates are issued for full-time employment. Some children are allowed to do part-time jobs such as selling newspapers. In order to gain employment, children under 18 must have written approval from their parents or guardian. Employers may require minors to work only a reduced number of overtime hours and are prohibited from employing them at night without special permission from the Ministry of Labor. Nevertheless, employers often treat employees under 18 as "regular" workers and do not accord them the legal protections to which they are entitled. A large proportion of production line workers in labor-intensive industries such as textiles, apparel, footwear and electronics are girls in their midteens. These girls often work in small, cramped, and sometimes dangerous workplaces.

e. Acceptable Conditions of Work

Korea implemented a minimum wage law in 1988. The minimum wage level is reviewed annually and in 1989 was set at the equivalent of \$215 per month. The law does not apply to all places of business. Small companies and companies in the service sector are exempt. Some exempted companies, particularly small ones, still pay below-minimum wages.

The FKTU continues to claim that the current minimum wage does not meet the minimum requirements of urban workers. According to government statistics, the money an average Korean blue-collar worker takes home in overtime and bonuses significantly raises the total compensation package. The National Bureau of Statistics announced that in the first quarter of 1989 the average monthly salary for an urban head of household was \$891 (at won 671 per dollar), up 21.2 percent over the same period in 1988. According to the Bureau of Statistics, the average monthly income of an urban household was \$1,110, up 21.5 percent (in won terms) from the first quarter 1988 figure. Pockets of urban poverty remain, but abject poverty has largely been eliminated. According to the Government's Economic Planning Board, 5.5 percent of the population lived below the poverty level in 1987.

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The Labor Standards and Industrial Safety and Health Law provide for a maximum 60-hour workweek. Amendments to the Labor Standards Law passed in March 1989 will bring the maximum regular workweek (excluding overtime) down from 48 hours to 46 and then to 44 hours over the next 2 years. According to the Government, the average Korean worker works 51.3 hours each week.

The Government sets health and safety standards, but the Ministry of Labor employs few inspectors, and the standards are not effectively enforced.

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The Lao People's Democratic Republic (LPDR) is a one-party, Communist state. The Lao People's Revolutionary Party (LPRP) is the source of all political authority in the country, and the party's leadership imposes broad and arbitrary controls on the population of approximately 3.9 million people.

The LPRP came to power in 1975 after a protracted civil war, during which it received strong support from North Vietnam. Vietnam continues to exert considerable influence over Laos, codified in the 25-year Treaty of Friendship and Cooperation signed in 1977. The number of Vietnamese troops and advisers in Laos, however, has been declining since late 1987. The total of 40,000 to 50,000 troops originally stationed in Laos under the terms of the treaty has been greatly reduced. There have been reports that all Vietnamese combat troops and most military advisers have been withdrawn. In the last 2 years the LPDR has been working to improve relations with the West and to attract more Western assistance. The U.S.S.R. is also very influential in Laos; it is the largest contributor of economic and military assistance. Laos has begun to accept Soviet concepts of perestroika (restructuring), although the LPDR is seeking its own Lao formulation appropriate to its highly underdeveloped conditions.

Established 14 years ago, the LPDR still has no constitution and no published code of law. However, elections were held in March for a national assembly to draft a constitution. All candidates in this election were approved by the LPRP, although a number of victorious candidates were not party members. A constitution is not expected before mid-1990 at the earliest.

Laos is one of the poorest countries in the world. The Government's harsh policies, particularly in its first 5 years, combined with difficult economic conditions in general, drove some 350,000 Lao into exile. Among those refugees were most of the educated elite. Laos accelerated its economic reform efforts in 1988 and 1989. These reforms are designed to stimulate domestic and foreign investment and to improve the efficiency of state-owned enterprises. Laos has also opened its economy to Thai and Western businessmen. Although the economy is improving as a result of these reforms and the ability of many citizens to participate in an emerging private or mixed state/private sector, the average standard of living remains extremely low.

Although difficult for outside observers to judge accurately, the human rights situation appeared to have improved in 1989. Freedom of movement within the country and travel abroad has increased, and the instruments of state control, principally the police and other elements of the Ministry of Interior, seemed to be less evident and perhaps less oppressive. Nevertheless, there continue to be severe limitations on freedom of speech and press and on freedom of assembly and association. Most reeducation camps have been closed and the bulk of the prisoners released. An unknown number of inmates, but at least 34, are entering their 14th year of incarceration, without benefit of judicial trial or legal review for release. Many former camp prisoners apparently have been able to obtain work; some of them now have responsible, professional positions both with the Government of Laos and with international organizations present in Vientiane. Some, however, appear to be blacklisted and able to find only menial positions. These persons seem to be able

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to obtain passports and visas as freely as any other Lao and have been able to travel overseas, despite the fact that some have not returned.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There are sporadic reports of shooting incidents involving organized groups leaving or entering Laos illegally. At least one group of Hmong tribesmen leaving Laos for Thailand was reported to have been pushed back and then suffered casualties from LPDR forces. In addition, in August the Government claimed to have intercepted and killed or captured in southern Laos over 60 armed Vietnamese hostile to the Hanoi Government who had intended to reenter Vietnam. There are occasional reports that government patrols have fatally shot persons leaving or entering Laos illegally. In those instances in which the Government confirms such incidents, it generally claims that the persons were smugglers or members of the resistance. An unknown but small number of people are killed annually in military operations against resistance forces. Many of the insurgents appear to be former Royal Lao Army troops and Hmong tribesmen. Both sides are reported to use brutal tactics, with antigovernment forces attempting assassination and ambush of government military and civilian personnel. There are also recurrent reports of attacks by bandit groups in isolated or interior areas on vehicles bearing government officials and on civilian buses. Official policy calls for the execution of resistance leaders, but no such executions were reported in 1989.

b. Disappearance

No disappearances were reported in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A relatively small number of "reeducation" prisoners continue to be held in harsh conditions but recent details are not available. The police do not appear to use torture or degrading or cruel treatment during arrest or detention, although prison conditions are stark.

d. Arbitrary Arrest, Detention, or Exile

The Government continues to maintain reeducation camps, or "seminar camps," in which persons who served the Royal Lao Government, or who have offended the current government, are imprisoned. Even rough estimates for the population of these camps are difficult to make, but range from a minimum of 34 political detainees left from the original population of Royal Lao Government officials to over 1,000. The higher number allegedly includes the original 34 plus many who were imprisoned during the late 1970's and the 1980's. Government officials continued to claim, as they had previously, that nearly all soldiers and officials sent to the camps in 1975-76 had been released and that very few remained. The accuracy of that statement cannot be verified. There were reports of releases of groups of up to 300 persons in 1988. There were reports of additional, substantial releases of camp prisoners

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in 1989, but firm numbers were not available. Since 1979 conditions in the remaining camps reportedly have improved, and the majority of the camps have been reported closed. The Government claims that all reeducation camps have been closed. However, this claim has not been verified.

Remaining detainees now live in a kind of internal exile in isolated provincial areas with severe restrictions on their freedom of movement. Many reportedly have been assigned to collective farms or construction units inside their former camps. Some are on probation or cannot obtain necessary travel documents. Others who have lost property and families are reported to have remained in areas near the camps to begin new lives.

Those accused of hostility to the regime or of what the Government calls "socially undesirable habits," such as prostitution, drug abuse, idleness, and "wrong thought," are sent to "rehabilitation" centers, usually without trial. Most of these persons have been allowed to return to their homes after periods ranging from a few months to several years of hard labor, political indoctrination, and admission of guilt.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A criminal code and laws establishing a judiciary were enacted in November 1989 by the Supreme People's Assembly, although they had not taken effect or been published by year's end. It is not known what changes these laws may make to Lao legal procedures. At present the courts are not independent and there is no guarantee of due process. Prior to the recently passed criminal code, the Government had promulgated interim rules and regulations for the arrest and trial of those accused of specific crimes, including armed resistance to the Government. Although the regulations allow an accused person to make a statement presenting his or her side of the case, they provide no real opportunity for the accused to defend himself and do not permit bail or use of a freely chosen attorney. Rather, the Government has issued instructions on how to investigate, prosecute, and punish wrongdoers. These instructions are applied capriciously and inconsistently. People can be arrested on unsupported accusations and without being informed of the charges or the accusers' identities. Investigations often take a long time unless family members and friends take a strong interest in the cases. Government officials and their families easily can influence judgments. There is some provision for appeal, although important political cases tried by "people's courts" are without an appeals process. Death sentences must be approved by the Council of Ministers. Regulations call for judgment to be given in public. This generally amounts to a public announcement of the sentence and not a true public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There appears to have been some relaxation of state control by the police and security elements. Knowledgeable observers report seeing fewer obvious signs of monitoring and control of citizens. However, search and seizure continue to be authorized by the security bureaus themselves rather than by judicial authority, and government regulations, which are not always followed, provide little protection. International and

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domestic mail is selectively opened. Mail from China and non-Communist countries is particularly suspect. Telephone calls are frequently monitored. Privately owned land may not be sold but may be inherited. Inheritances cannot be passed on to relatives who have left the country as refugees and acquired other nationalities.

The Government continues to try to monitor some aspects of family and work life through a system of neighborhood and workplace informants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public expression of opposition to the Party and State is not permitted, and participants in such activity have been jailed. Newspapers and the state radio are instruments of the Government, reflecting only its views. Ordinary citizens may not import foreign newsmagazines or books; censorship is strict.

The Government makes no attempt to stop citizens from listening to foreign radio stations such as the Voice of America, nor from setting up antennas to receive Thai television.

Academic freedom does not exist.

b. Freedom of Peaceful Assembly and Association

The Government controls all meetings and, except for religious, athletic, and communal events, organizes them. Persons do not have the right to promote nonregime-sponsored activities nor to protest government policies. All associations--such as those for youth, women, workers, and a "peace organization"--are officially authorized to exercise government control and disseminate government policy. The LPRP organizes all professional groups, and their leadership is ordinarily drawn from party ranks. Associations are permitted to maintain relations with like-minded, politically acceptable organizations in other countries, particularly those in Communist countries. Ordinary Lao citizens are able to meet with foreigners only in unusual circumstances, usually involving their work. Nevertheless, contact with foreigners is increasing.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Nearly all Lao are Buddhists or, in the case of most highland groups, animists. In official statements, the Government has recognized the right to free exercise of religious belief as well as the contributions religion can make to the development of the country.

Many Lao believe, however, that the Government is engaged in a long-term effort to subvert religion because it considers the maintenance of temples and the activities of monks non-productive and because it objects to active groups with independent beliefs. This effort includes carefully controlling the education of young monks and compelling Buddhist clergy to propagate elements of Marxist-Leninist

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doctrine. Further, since 1975 the Government periodically has taken over Buddhist and Christian places of worship for use as schools, offices, and fire and police stations, as well as for political indoctrination centers and warehouses. Nonetheless, since the Third Party Congress in 1982, the Government has eased its stand on Buddhism. While it has not, so far as is known, contributed to the restoration of temples and religious institutions, it has not opposed efforts of the faithful to do so, and both restoration and new building are now widely evident.

Monks remain the only social group still entitled to special honorific terms of address, which even high party and government officials continue to use. Buddhist clergy are prominently featured at important state and party functions. Religious festivals are permitted without hindrance. The Government does not object to the Lao custom of young people entering religious orders for short periods.

Links may be maintained with coreligionists and religious associations in other countries, usually other Communist countries, only when approved by the Government. Most traditional links to Thai religious sects have been severed. Missionaries are not formally banned from entering Laos to proselytize, but in most cases they are denied permission. Despite the overall government attitude, many high party officials still participate in religious ceremonies.

Roman Catholics and Protestants are permitted to worship, but the activities of their churches are closely monitored. Vatican officials visited in 1987 to meet with the Bishop of Vientiane, as well as with local church and government officials. Attendance at Christian services continues to require discretion, although less so in 1989 than in 1988. The Government tries through the media and other means to persuade highland minority groups to abandon their "old-fashioned" animist beliefs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens must obtain permission from the authorities for internal travel. Non-Lao residents in Vientiane must obtain permission to travel outside the city. Permission is now much easier to obtain than before, but is not necessarily automatic. Government officials have cited threats of "disorders" created by "reactionary elements" as the reason for the restrictions.

Foreign travel is increasingly permitted for officials, students, and others who have family abroad or access to foreign exchange. Most students continue to study in the Communist countries, but the number of students going to the West for higher education, although still small, has increased dramatically. Passports and exit visas have become much easier to obtain. The number of the relatively few travelers to the West and to the United States has increased sharply. Border crossing permits are available for those with business in Thailand. The number of permits increased in 1989, in keeping with the opening of additional border trade locations and the reduction in the number of items restricted by the Thai Government for trade with Laos. The permits are not, however, granted automatically and may be denied arbitrarily.

Legal emigration is rarely authorized for ethnic Lao. To guard against emigration, those permitted to travel must often

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leave their families behind as a guarantee of their return. Since 1975, 343,000 Lao citizens have registered as refugees in Thailand. An unknown number have crossed the border and simply settled with relatives or kindred ethnic groups. Some of those fleeing are fired upon and killed by border patrols as they attempt to cross the Mekong River. Government authorities have imprisoned many persons seeking to leave the country illegally.

Laos and Thailand have agreed to take back, on a case-by-case basis, those of their respective citizens who have illegally crossed into the other country and now wish to return home. Since May 1980, when agreement was reached with Thailand and the United Nations High Commissioner for Refugees (UNHCR) on a voluntary repatriation program, over 4,675 persons have voluntarily returned to Laos under the auspices of the UNHCR. Those accepted for return receive several days of political indoctrination and then are released to return to their homes, where they are placed under the control of village authorities. The UNHCR provides basic necessities for the returnees and monitors their treatment and living conditions thereafter. There appears to be no official harassment or maltreatment of these voluntary returnees, and UNHCR officials have not been prevented from visiting them. In addition, perhaps as many as 10,000 persons have repatriated themselves without official involvement.

The Government has also agreed in principle to take back Lao citizens in Thailand whom the Thai have determined do not meet refugee status criteria. Procedures for the return of these persons were worked out between the two countries in late 1986, and since that time 164 have been returned. Those in Vientiane who follow refugee matters closely report that there is no perceptible difference in the way the Government treats those returnees who were screened out and those who returned voluntarily.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The LPRP fully controls the Government. The LPRP is run by a small elite who also occupy many of the principal government posts. There is neither freedom to participate in politics outside the party nor popular choice of policies. The new National Assembly elected in March includes a number of assemblymen who are not formally LPRP members, although their candidacies were approved by the party. Some 121 candidates ran for a total of 79 seats, and each electoral district had more candidates than seats. This election followed elections for district and provincial officials in 1988. No other parties were permitted to organize and voting was mandatory. These elections, the first held since the LPDR was formed in 1975, represent an effort by the LPRP to legitimize the Government and may represent some political liberalization. The new National Assembly is expected to finish writing a constitution in 1990 which may then be approved by a plebiscite. This new constitution would serve as a framework for the criminal code and laws establishing a judiciary and would also serve as a basis for additional laws.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Laos generally does not cooperate with private international human rights organizations. However, it does occasionally permit visits by officials of international humanitarian organizations and has communicated with them by letters. No domestic human rights monitoring groups are permitted.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Approximately half of the population in Laos is ethnic Lao; also called "lowland Lao;" 20 percent are tribal Thai; 15 percent are Phouthoung (or Kha); and another 15 percent are other highland groups (Hmong, Yao, and others). The Government is attempting to integrate these groups through voluntary programs and to overcome traditional antagonisms between lowland Lao and minority groups. Although the LPRP and the Government are dominated by lowland Lao, efforts have been made to include minorities in the political and governmental elites. For instance, 43 of the 121 candidates for the National Assembly were from minority groups.

The Hmong are split along clan lines. During the years of insurgency, many were strongly anti-Communist; others sided with the Communist Pathet Lao and the Vietnamese. The Government represses all groups that fought against it, especially those continuing to resist its authority by force. The Hmong tried to defend some of their tribal areas after 1975, and some continue to support anti-LPDR resistance groups. Lao armed forces conduct operations against resistance groups.

The Government wants to resettle in the lowlands some ethnic minorities from mountainous areas. After resettlement they would be under closer government control and engage in settled agricultural production rather than the present slash-and-burn techniques. For this purpose, the Government has reportedly relied on a voluntary program based on material inducements and has begun several large-scale projects with foreign donors.

Local ethnic Chinese have encountered government suspicion and surveillance since 1979 when Sino-Lao relations deteriorated seriously. This has abated, however, since relations between Laos and the People's Republic of China were normalized in 1988. A majority of the Chinese community departed in the post-1975 period, largely for economic reasons. Those who remain have maintained government-approved Chinese schools in Vientiane and Savannakhet and Chinese associations in several provincial capitals.

Traditionally, women in Lao society have been subservient to men and often discouraged from obtaining an education. Today the active, government-controlled Lao Women's Federation has as one of its goals the achievement of equal rights for women. The Government claims that a higher percentage of women make up the school population now than before 1975, and that women are being encouraged to assume a greater role in economic and state-controlled political activity.

There is no pattern of widespread domestic or culturally approved violence against women. Both lowland Lao and hill tribes tend to hold women in lower esteem than men.

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Section 6 Worker Rights

a. The Right of Association

The overwhelming majority of workers are employed by the State, and they are very poorly paid. Labor laws do not exist. Labor unions exist but are small and have no right to strike. All unions are controlled by the Federation of Lao Trade Unions, which in turn is controlled by the LPRP. The Federation is a member of the Communist-controlled World Federation of Trade Unions.

The LPDR is a member of the International Labor Organization (ILO), but has not ratified ILO Conventions 87 on freedom of association, 98 on the right to organize and bargain collectively, or any other conventions related to the worker rights covered in this report. In its 1989 report, the ILO Committee of Experts cited the LPDR for failing to respond to its requests for information concerning pending complaints.

b. The Right to Organize and Bargain Collectively

Unions play no discernible role in ameliorating the low salaries and wages, for instance, of public employees, the largest single category of employment. Under the foreign investment code published in 1988, some worker rights are guaranteed, such as the right to have job responsibilities defined, to be paid for that job and not another, to be paid more for overtime, and for overtime to be approved by the authorities as well as by the investor. There are no economic incentive zones or special industries where labor standards differ from those elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor

While there is no published code of laws concerning protection from forced labor, there is no general pattern of forced labor in Laos. Prisoners in reeducation camps, or in prison camps (the former for "ideological" crimes, the latter for "economic" or "social" offenses) are expected to do hard labor. In addition, there are reports that some of these prisoners, when released, are restricted to the general area of the camp (always in rugged and mountainous terrain) and expected to work there on state enterprises.

d. Minimum Age for Employment of Children

There is no minimum age for employment of children. In practice children in this rural economy commonly assist in the work of their families.

e. Acceptable Conditions of Work

Workplace conditions are not systematically exploitative, but they sometimes fail to protect workers adequately against sickness or accident. There is no specific system of laws or regulations relating to worker safety. Working hours do not exceed 48 hours a week, except during urgent roadbuilding or construction projects. It is unclear whether such urgent labor is compulsory. There is no minimum wage legislation; wages are low, particularly in the state sector and are, in fact, not sufficient to live on unless supplemented by other sources of income. Some workers receive paid 2-week vacations.

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Malaysia has a parliamentary system of government based on free elections contested by several parties, almost all of which are racially based. Malaysia is a multiethnic society, with Malays comprising a little more than half of the population, and the remainder consisting of Chinese (about 33 percent), Indians (about 10 percent), and several other minorities. The ruling National Front (composed of three major and several minor parties) has won a two-thirds or better majority in the federal Parliament in all general elections since 1957, but opposition parties are active and vocal participants in the political system, and they occasionally control governments at the state level. Malaysia is a federation of 13 states, with state governments retaining power over several important areas, including land use and religion.

From the late 1940's until recently, the defense forces were directed primarily at containing a major Communist insurgency that began in 1948 and peaked in the 1950's. The Government states that because of the insurgency that still smolders in a few border areas, the intercommunal rioting in which several hundred persons died following the 1969 national elections, and the country's serious drug problem, classified by the Government as a threat to national security, internal security remains a concern. The Government cites all three factors as justification for laws allowing preventive detention, but human rights groups charge that they are primarily used to stifle dissent.

A strong free market economy, abundant natural resources, and a relatively small population have helped Malaysia become one of the most prosperous of the developing countries.

Detention without trial and restrictions on judicial review of detentions, as well as restrictions on freedom of association, and on freedom of the press, are the primary human rights concerns in Malaysia. In late 1987, the detention without trial of 106 persons under the Internal Security Act (ISA) became a major focus of attention. By June 1989, all those detainees had been released and restrictions on their movements and activities rescinded. Amendments to the ISA enacted by Parliament that same month, however, further restrict the judiciary's power to review detentions under the ISA, the Dangerous Drugs Act, and the Emergency Ordinance.

Restrictions on the independence of the Malaysian judiciary remain a key area of concern. Many legal and other observers see evidence that when hearing cases with political ramifications, the courts are increasingly reluctant to take positions which could be seen by the executive branch as challenging executive authority.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by the Government or by any other political organization.

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b. Disappearance

There was no evidence of abduction, secret arrests, or clandestine detention attributable to the Government or to nongovernmental or opposition forces. There have been reports that, in a number of cases, security authorities waited days after a detention before informing the detainee's family.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of cruel, inhuman, or degrading treatment or punishment are rare, although several Malaysian citizens who were detained by the Government in October 1987 claim that they were mistreated by security authorities, especially during the initial stage of their detention. Their allegations included charges of sleep deprivation, threats and verbal abuse, and, in at least one case, beating. After their release from ISA detention, some former detainees stated that while there was no torture as such, treatment of detainees by the authorities varied, with some receiving harsher treatment than others.

d. Arbitrary Arrest, Detention, or Exile

The Government can detain suspects without benefit of judicial review under three laws: the 1960 Internal Security Act (ISA), the Emergency (Essential Powers) Ordinance of 1969, and the Dangerous Drugs Act of 1985.

The 1960 ISA, patterned after legislation instituted by the British colonial administration during the Communist insurgency of the 1950's, is aimed at controlling internal subversion. It empowers the police to hold for up to 60 days any person who may act "in a manner prejudicial to the security of Malaysia." Further detention (in renewable 2-year segments) must be authorized by the Minister of Home Affairs. The Minister must inform detainees of the charges against them and give them the opportunity to protest those charges to an advisory board. The advisory board reviews each case at least every 6 months. Advisory board decisions and recommendations are not, however, binding on the Minister, are never publicized, and are often not shown to the detainee. A number of the ISA detainees have refused to participate in the review process under these circumstances.

The Malaysian Government does not publish statistics or make regular public statements on ISA detentions. Authoritative information on the number of detainees is not available. In March 1989, however, the Deputy Home Affairs Minister told Parliament that 70 persons were under ISA detention at that time. Prior to the ISA detentions of October 1987, the number of long-term ISA detainees had dropped from nearly 500 in 1981 to about 25. In October and November 1987, however, Malaysian authorities, citing a danger of serious racial strife, detained another 106 persons, including government and opposition members of Parliament, social critics, academics, environmentalists, and religious activists. However, none were charged in court for any unlawful activity. By June 1989, all of these detainees had been released and restrictions on their movements rescinded. In 1988 the Government detained 11 Malaysians from Sarawak under the ISA; all were released by July 1989. Twenty-three from two northern states also were arrested in 1988 under the ISA as arson suspects. A spokesman for the opposition Islamic Party

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of Malaysia announced that several of those arrested were members of that party. The spokesman said the party would investigate to determine whether the arrests were political, without specifying when the determination would be made. Human rights observers claim that the detentions were unwarranted because the defendants could have been arrested and tried under criminal statutes proscribing arson.

In March 1988 the High Court ordered the release of a prominent lawyer and opposition leader detained under the ISA, on the grounds that his arrest was unlawful. Eight hours after his release he was rearrested under a new ISA detention order. In July 1988 and June 1989, Parliament amended the ISA to place additional limitations on judicial review of detentions. The 1988 amendments validate detention orders regardless of textual inaccuracies in place or fact, while the 1989 legislation restricts judicial review of government detention orders to procedural matters only. The Government defended the amendments by stating that court decisions should not be permitted to replace executive decisionmaking in national security matters. Opposition leaders and the Bar Council publicly protested the 1989 ISA amendments as a negation of the rule of law.

The Emergency (Essential Powers) Ordinance of 1969 stemmed from that year's intercommunal riots. The State of Emergency declared at that time has not been rescinded, although Parliament regained its legislative power in 1971. The Emergency Ordinance gives the Government the power to detain anyone "in the interests of the public safety or the defense of Malaysia." As under the ISA, detainees must be informed of the charges against them, and they can appeal to an advisory board. Since 1985 the Emergency Ordinance has been used in some serious criminal cases not related to narcotics.

The Dangerous Drugs (Special Preventive Measures) Act of 1985 was enacted by Parliament to give the Government specific power to detain suspected drug traffickers. Suspects can be held under this law for successive 2-year periods with periodic review by an advisory board. Unlike the ISA and Emergency Ordinance, in the case of the Dangerous Drugs Act the opinion of the advisory board is binding on the Minister. As of June 1989, there were about 1,200 drug suspects in detention under this statute. As with the other two security statutes, the Dangerous Drugs Act was amended in 1988 to validate detention orders with certain defects and, in 1989, to prohibit legal challenges to detention orders. Legal observers have voiced the same strong concerns about these amendments.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair trial is seriously restricted in security-related matters where the ISA is invoked. Ordinary civil and criminal cases, and some security-related cases, are tried under a fair and open judicial system derived from British jurisprudence. Charges must be levied against a defendant within 24 hours of arrest, and police must decide within 14 days whether to bring the case to court. Defendants have the right to counsel, and lawyers are able to represent clients without penalty to themselves. Bail is available, and strict rules of evidence apply in court. Defendants may appeal lower court decisions to the federal courts and, in

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criminal cases, may also appeal for clemency to the King or local state rulers, as appropriate.

Persons arrested and charged for firearms violations are normally charged under provisions of the Internal Security Act which carry a mandatory death sentence upon conviction. Other security-related crimes, whether or not capital crimes, can be tried under special procedures contained in the Essential (Security Cases) Regulations of 1975. The accused is allowed counsel but sometimes does not receive a statement of the evidence prior to the trial which is by a single judge without a jury; and witnesses may be examined in the absence of the accused. Admissible evidence includes hearsay and secondary evidence, testimony of children and spouses, self-incriminating statements to police, and information from seized records or communications. If the accused is found guilty, the judge must impose the maximum penalty. According to local legal sources, these special trial provisions are rarely, if ever, used.

The Malaysian judiciary has traditionally been regarded by the public and the legal community as committed to the rule of law. The judicial system has exhibited over the years an unusual degree of independence, not hesitating to rule against the Government in criminal, civil, or occasionally even major cases with political ramifications. An example of the latter was the High Court ruling in February 1988 that the dominant party in the Government coalition was illegally constituted.

However, in 1988 Parliament amended the Malaysian Constitution to delete the clause vesting judicial power in the courts and substitute a clause stating that the jurisdiction and power of the courts are "conferred by or under Federal law." Although the practical ramifications of this amendment remain unclear, some members of the legal community charge that it strips the judiciary of its constitutional basis of authority, making it wholly dependent upon specific legislation passed by Parliament.

In another development in 1988 affecting the judiciary, the Lord President of the Supreme Court was dismissed by the King on August 8 following the recommendation of a tribunal which heard the Government's charges against him. The charges included bias and prejudice in speeches critical of the Government and writing a letter to Malaysia's King raising objections to the Prime Minister's criticism of the judiciary, thereby creating misunderstanding between the Prime Minister and the hereditary rulers. Five Supreme Court Justices were suspended for their actions related to the case. A second tribunal appointed by the King ordered the immediate reinstatement of three of the Justices in October 1988, while the other two were dismissed from office. Most nongovernment observers believe the purpose of the dismissals was specifically to strengthen the Prime Minister's control of the judiciary.

The case against the previous Lord President continued to have ramifications in 1989. In March 1989, the Malaysian Bar Council filed a contempt of court motion against the current Lord President for his actions related to the dismissal of the previous Lord President. In April the Supreme Court rejected the Bar Council's contempt motion, and then in June agreed to consider a counter motion filed against the Bar Council Secretary by the Attorney General. The Government's contempt motion has not yet been heard. The Supreme Court's handling

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of the Bar Council's motion is cited by legal observers as evidence that the 1988 confrontation between the judiciary and the executive branches is causing reluctance by the courts to take positions in politically sensitive cases challenging the Government.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights are, generally, protected by law. Under the security legislation described above, however, the police may enter and search without warrant the homes of persons suspected of threatening national security and confiscate evidence. Under this provision, police have searched homes and offices, seized books and papers, and taken people into custody without a warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Despite constitutional provisions for freedom of speech and press, there are some important limitations. For example, the Constitution provides that freedom of speech can be restricted by legislation "in the interest of security... (or) public order." Thus the Sedition Act Amendments of 1970 prohibit public comment on "sensitive" issues such as citizenship rights for non-Malays and the special position of Malays in society. Since 1970, however, the Government has brought only a few cases under the Sedition Act, and in the most recent incident in 1986 the defendant, the President of the Bar Council, was acquitted.

Press freedom is subject to important limitations under the Printing Presses and Publications Act of 1984, under which domestic and foreign publications must apply annually to the Government for a permit. In December 1987, Parliament amended this Act to make the publication of "malicious news" a punishable offense, to expand the Government's power to ban publications, and to prohibit court challenges to suspension or revocation of publication permits. An additional inhibiting factor is that the Government or the business arms of the leading political parties in the ruling coalition own almost all the major newspapers as well as all the radio and television stations.

At the time of the ISA detentions in October 1987, the Government revoked the publication permits of three newspapers. Although all three newspapers resumed publication in March 1988, the revocations and the legislative amendments described above have resulted in significant self-censorship by journalists and editors of the daily newspapers. Nevertheless, opposition parties, social action groups, and a number of private publications regularly provide detailed coverage of opposition political activities and print viewpoints strongly critical of the ruling coalition and its policies. A wide range of information is available to the Malaysian public in newspapers and magazines published in all of the country's four major languages, and major international and regional news publications circulate freely.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of freedom of peaceful assembly and association, but there are significant

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restrictions. Those rights can be limited in the interest of security and public order, and the 1967 Police Act requires police permits for all public assemblies. In the aftermath of the intercommunal riots in 1969, the Government banned political rallies altogether. While the ban on political rallies has not been formally rescinded, both Government and opposition parties have been able to hold what they refer to as "discussion sessions" for electioneering during political campaigns. In the eight national and state special elections since August 1988, government and opposition candidates campaigned openly and with minimal police interference despite the existence of the Police Act and other restrictions; there were no public complaints concerning the enforcement of the Police Act. Some opposition politicians complained privately, however, that police issuance of permits for campaign events has not been as timely as they would have liked.

Other statutes limit the right of association, such as the Societies Act of 1966, under which the Government can refuse registration to organizations which comment unfavorably on political or public issues. The threat of deregistration under the Societies Act tends to inhibit political activism by public or special interest organizations, but it does not suppress such activity entirely. Another law affecting freedom of association is the Universities and University Colleges Act, which mandates government approval for student associations and prohibits such associations from engaging in political activity. In November 1988, police arrested 11 persons in Lake Garden Park who were participating in a peaceful candlelight protest against the detentions that took place in late 1987. Charged with illegal assembly under the Police Act, the charges were later dropped.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The official religion of Malaysia is Islam, and ethnic Malays are legally bound in some civil matters, e.g., family relations and diet, by Islamic religious laws administered by state authorities. An Islamic religious establishment is supported with government funds, and it is official policy to "infuse Islamic values" into the administration of Malaysia. However, the Constitution provides for freedom of religion, and the Government has refused to accede to pressures for the imposition of Islamic religious law beyond the Muslim community. Religious minorities, which include large Hindu, Buddhist, Sikh, and Christian communities, practice their faith with minimal interference by the Government.

There are persistent allegations, however, that some state governments are slow in approving building permits for non-Muslim places of worship. The Government has limited the circulation of a popular translation of the Bible in Bahasa Malaysia, and some states restrict the use of Christian terms in Bahasa Malaysia. Conversion to religions other than Islam is permitted but not encouraged; proselytizing of Muslims is, and has long been, proscribed by law in some states and strongly discouraged in other parts of the country. Government attitudes on religious questions were evident in the October 1987 ISA detentions when several Muslim and Christian teachers and activists were detained.

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In a development affecting the right of parents to teach religion to their children, the state of Selangor passed a bill in August 1989 which allows minors to convert to Islam without parental approval. Although this legislation has yet to be implemented and could be overturned at a later date, its passage in the Selangor State Assembly has caused some consternation among Malaysia's non-Muslim minorities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not generally restrict the right of individuals to travel within the country and live and work where they please, but it did place significant restrictions on the movement and activities of some ISA detainees after their release from detention. The restrictions on all former October 1987 ISA detainees were rescinded by June 1989. There are also no government restrictions on emigration. Since there are no known Malaysian refugees in other countries, there is no problem of repatriation. There have been some cases of Malaysian citizens being denied passports on security grounds, but Malaysians are generally free to travel abroad. There are restrictions on travel by Malaysians to Israel, South Africa, Cuba, China, Vietnam, and North Korea.

Malaysia has provided first asylum to more than 250,000 Vietnamese refugees since 1975. It has cooperated closely with international organizations and resettlement countries in facilitating the eventual movement of the refugees to third countries.

In June 1989, Malaysia chaired the second International Conference on Indochinese Refugees (ICIR). At the Conference, the resettlement countries and the countries of first asylum agreed to institute a comprehensive plan of action for granting asylum and resettlement to Indochinese asylum seekers. Boat people arriving in Malaysia after March 14, 1989 would be screened; only those determined to be genuine refugees would be eligible for first asylum and resettlement. Malaysia began to screen boat people on August 28. No determinations regarding refugee status had been made as of mid-November.

The yearly arrival rate for Vietnamese boat people to Malaysia remained high in comparison to the mid-80's: about 17,000 arrived during the year ending September 30, 1989. Resettlement did not keep pace with arrivals, and the camp population grew to 21,000, resulting in severe overcrowding at the principal camp of Pulau Bidong and concerns among relief workers for the asylum seekers' health. Domestic opposition to the Vietnamese presence prevented the expansion of camp facilities. The Government did not follow through on its 1988 announcement that it would close Pulau Bidong within the year.

Despite the commitments which it made at the ICIR, the Government began intermittently to deny first asylum to boat people beginning in late May, claiming it could not accept new boat arrivals indefinitely without some assurance all would eventually be removed from Malaysia. According to the United Nations High Commissioner for Refugees (UNHCR), a total of 2,470 persons had been pushed off through the end of October 1989. In most cases the Malaysians repaired and reprovisioned the boats before returning them to sea. All such boats reaching Indonesia have been permitted to land. Nevertheless, one death reportedly occurred when a boat being towed to sea

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overturned, and four persons (including a pregnant woman) died of dehydration as a consequence of being pushed off.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Malaysia's parliamentary system is based on the British model. The Prime Minister and Cabinet are responsible to Parliament, from which they are drawn. National parliamentary elections, which the Constitution requires at least every 5 years, have been held regularly since independence in 1957 and have included opposition candidates actively contesting parliamentary seats. In addition, there are regular state and local multiparty elections. Most observers consider Malaysian elections to be generally free and fair, with votes cast secretly and recorded accurately. Opposition candidates won several hotly contested byelections in August 1988 and June 1989. Nevertheless, in several byelections in the last year, there were allegations that government supporters attempted to intimidate voters.

Through the United Malays National Organization (UMNO), Malays dominate the ruling National Front coalition of ethnic-based parties which has controlled Parliament since independence. Non-Malays fill a number of cabinet posts. In August 1986, the National Front won 148 of the 177 seats in the House of Representatives. Although the opposition regularly criticizes government policies within and outside Parliament, government views generally prevail. Since 1957 there has been a peaceful transfer of power in the office of Prime Minister three times.

Opposition parties, such as the Islamic Party of Malaysia (PAS), have occasionally gained control of state governments. Non-Malay parties have also controlled state governments; for example, the ruling party in the important state of Penang is largely Chinese-based, and in Sabah a predominantly Christian party is currently in power.

A new Malay political party called Semangat 46 (Spirit of 46) was registered in July 1989. This party is dominated by former UMNO leaders who challenged Prime Minister Mahathir for the UMNO leadership in 1987 and lost. There has also been some movement toward an opposition coalition led by Semangat 46 to challenge the ruling coalition in the next general election which must be held before October 1991. The new party and the informal coalition have actively campaigned in a series of national and state byelections since August 1988, winning twice and losing the other six times.

Eleven Members of Parliament, 10 from opposition parties and 1 from the government coalition, were included among the persons detained in October and November 1987. After their release, all regained their parliamentary seats and party leadership positions. Opposition leader and former detainee Lim Kit Siang continues to criticize government policy and has also directly challenged the Government in parliamentary sessions since his release.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government rejects criticism of its human rights record by international human rights organizations and foreign governments. Prime Minister Mahathir, in a speech at the

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Non-Aligned Movement summit in September 1989, stated that developing countries cannot practice the Western liberal "brand of democracy and human rights" to the detriment of meeting basic human needs, such as food, shelter, and schools. Malaysian officials criticize local groups for "collaborating" with international human rights organizations in their studies of the human rights situation. Nevertheless, representatives of international human rights organizations have visited and traveled in Malaysia and have been able to meet with some relevant government officials. In 1989 representatives of the Committee on Human Rights of the New York City bar met with the Attorney General and other government officials. In 1988 the Government permitted delegations from the International Committee of the Red Cross and the Human Rights Commission of the International Parliamentary Union to meet with ISA detainees as well as with government officials. Foreign government officials have met in Malaysia with their Malaysian counterparts to discuss human rights.

In August 1989, a group of prominent Malaysians, including two former prime ministers, applied to the Registrar of Societies to establish a national human rights society. The Registrar had not by year's end ruled on the application, although in December 1988 the Deputy Prime Minister announced that the Government would not object. In addition, a number of organizations, including the Bar Council and various public interest groups, devote some time to human rights activities. The Government tolerates their activities but rarely responds to their inquiries or occasional press statements. The Government has not acceded to any of the international covenants on human rights, generally maintaining that such issues are internal matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government implements on an extensive scale programs designed to boost the economic position of the ethnic Malay majority which remains poorer, on average, than other Malaysians despite its political dominance. These Government programs and policies limit, in varying degrees, opportunities for non-Malays in higher education, government employment, business permits and licenses, and ownership of new homesteads.

The question of the rights of indigenous peoples in Malaysia received increasing attention in 1989. The focus of this attention has been the impact of logging on the indigenous peoples in the East Malaysian state of Sarawak. Between November 1988 and January 1989, 128 members of the semi-nomadic Penan group in Sarawak were arrested and charged with illegally blockading logging roads and bridges. Another 117 Penans were arrested under the State Forestry Ordinance in September for similarly blockading logging roads. While the Penan demonstrators have not yet been brought to trial, the prosecution dropped similar charges against another indigenous group--42 Kayans--in April.

There are no laws or regulations restricting the political and economic rights of women. The position of women in society is conditioned by the cultural and religious traditions of the country's major ethnic groups. With a general resurgence of Islamic piety among Malays, many Malay women have in recent years tended toward close conformity with Koranic stipulations on women's roles. Women's groups are active both within the

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governmental and private sectors. Two important umbrella organizations for women's rights are the National Advisory Council for the Integration of Women in Development in the Prime Minister's Department and the National Council of Women's Organizations.

Violence against women, including wife beating, has resulted in a number of steps to deal with the problem. According to government statistics, reported domestic violence cases increased from 279 in 1982 to 900 in 1988. There are currently no specific laws on domestic violence. Cases of wife beating or child abuse are tried under normal assault provisions of the Criminal Code, which carry penalties of 3 months to 1 year in prison and/or fines up to \$750. A women's aid organization runs shelters for battered wives, and several women's groups led a successful effort in April to toughen the laws against rape, mandating jail sentences of at least 5 years (maximum of 20 years) and allowing the imposition of fines and/or whipping. Women's rights organizations also began promoting new legislation to curb domestic violence against women and children; an interagency group coordinated by the Welfare ministry was formed to draft the legislation.

Section 6 Worker Rights

a. The Right of Association

The Trade Unions Act of 1959 and the Industrial Relations Act of 1967 govern the right of workers to engage in trade union activity. Unions may organize workplaces, bargain collectively with an employer, form federations, and join international organizations. The Industrial Relations Act specifically prohibits any person from interfering with, restraining, or coercing a worker in the exercise of the right to form or participate in the lawful activities of a trade union.

The Trade Unions Act, which is administered by the Director General of Trade Unions (formerly the Registrar of Trade Unions), sets rules for the organization of unions, their recognition at the workplace, the content of their constitutions, election of their officers, and their financial reporting requirements. The Act's definition of a trade union restricts it to representing workers in a "particular trade, occupation, or industry or within any similar trades, occupations, or industries," contrary to guidelines of the Committee on Freedom of Association of the International Labor Organization (ILO).

The Director General of Trade Unions may refuse to register a trade union on a variety of grounds. He also has the power, under certain circumstances, to withdraw the registration of a trade union. A trade union for which registration has been refused, withdrawn or canceled is considered an unlawful association.

Malaysia's electronic components industry, dominated by American and Japanese firms, has been the focus of unsuccessful union organizing efforts since the late 1970's. The Government has used its various powers to prevent the formation of a union in the industry other than strictly "in house" unions. In August 1989, the Director General of Trade Unions refused to register the National Electronics Workers Union on the grounds that it did not meet the definition of a "trade union" in the Trade Unions Act because its members work

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in the electrical and electronics industries, which the Labor Minister has determined are different industries. Union leaders have stated that they seek to represent only workers in the electronics industry. The Government has been repeatedly criticized by the ILO for continued failure to comply with ILO Convention 98 (right to organize and to bargain collectively).

Some critics of the Government's policy toward labor unions, notably the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and Asia Watch, believe the arrest of V. David under the ISA in the government crackdown late in 1987 (see Section 1.d. above) demonstrated labor leaders' vulnerability to government pressures, which, critics assert, inhibit their carrying out legitimate trade union activities. Mr. David has declared publicly that questioning during his detention related only peripherally to his role in the Malaysian Trades Union Congress (MTUC) and the Transport Workers' Union (TWU). He continues as MTUC Secretary General, campaigned successfully for reelection to that position in December 1988, and has been allowed to travel abroad to trade union meetings.

Federations of trade unions may cover only a single trade or industry or similar trades or industries. The only labor federations currently registered are one for public servants, one for teachers, and one for state-based textile and garment workers' unions. The MTUC, the main labor body, is registered as a society under the Societies Act (rather than the Trade Unions Act). Previous MTUC efforts to register as a trade union federation under the Trade Unions Act were turned down because of its broad membership. In November 1988, however, Parliament approved legislation granting the MTUC the status and rights enjoyed by Malaysian trade unions, although it remains a society.

As of December 1988, there were 392 individual unions in Malaysia with over 616,626 members (10.4 percent of total employment).

Unions are independent both of the Government and of the political parties. While unions are not permitted to engage in political activity, individual trade union leaders have served in Parliament (V. David, the MTUC Secretary General, is currently a Member of Parliament for an opposition party) and individual union members belong to political parties. Malaysian trade unions are free to associate with the appropriate international trade secretariats, and a number of Malaysian labor leaders play major roles in international labor affairs. The MTUC is affiliated with the International Confederation of Free Trade Unions (ICFTU). The Secretary General of the National Union of Plantation Workers is President of the ICFTU, and the MTUC Secretary General has actively participated in the ILO governing body.

While strikes are legal and do occasionally occur, critics claim that this right in practice is severely restricted. The Industrial Relations Act of 1967 requires the parties to notify the Ministry of Labor that a dispute exists before any industrial action may be taken. If government conciliation fails to achieve a settlement, the Minister has the power to refer the dispute to the Industrial Court, which effectively becomes compulsory arbitration. A strike is prohibited while the dispute is before the Industrial Court, and an award made by the Industrial Court cannot be appealed. Industrial Court

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awards are the exception rather than the rule, however, representing only about 18.5 percent of all collective agreements referred to the Industrial Court in 1988. The remaining agreements were reached through bargaining between management and labor.

b. The Right to Organize and Bargain Collectively

Collective bargaining is the norm in Malaysian industries where workers are organized. Malaysia's system of conciliation and arbitration seeks to promote negotiation and settlement of issues without strikes.

In a complaint to the ILO, the MTUC alleged that the 1980 amendments contain prohibitive and oppressive antiunion provisions which erode the basic rights of workers, restrict union activities, and result in government and employer interference in the internal administration of unions. In 1983 the ILO urged the Malaysian Government to amend these laws further to bring them into conformity with the ILO Convention on the right to organize and to bargain collectively. Despite subsequent amendments, the MTUC still believes the labor law to be deficient by ILO standards. Many union leaders also believe that creation of the Industrial Court to handle industrial disputes further weakened their collective bargaining rights.

Labor standards in free trade zones are the same as those in the rest of Malaysia. Workers at many companies located in the free trade zones are unionized, especially in the textile and electrical products plants. Enterprises granted "pioneer" status (whether or not located in a free trade zone) are protected from union demands for terms of employment exceeding those specified in the Employment Act of 1955 during the period of their pioneer status (normally 5 years). The restriction does not apply to wages or benefits not covered by the Employment Act (see Section 6.e. below).

c. Prohibition of Forced or Compulsory Labor

Malaysia is a party to ILO Convention 105 prohibiting forced or compulsory labor and it has effective legal sanctions against such abuses. The ILO has criticized Malaysia for requiring prisoners and ISA detainees to work. Malaysia defends the practice as part of its prisoner rehabilitation program.

d. Minimum Age for Employment of Children

Employment of children is covered by the Children and Young Persons (Employment) Act of 1966, which stipulates that no child under the age of 14 may be engaged in any employment except light work in a family enterprise, in public entertainment, work performed for the Government in a school or training institution, or employment as an approved apprentice. It is illegal for children to work more than 6 hours per day, more than 6 days per week, or at night. The law is effectively enforced through periodic inspections by the Ministry of Labor.

e. Acceptable Conditions of Work

Malaysian wages are relatively high for its level of industrialization and higher than in all neighboring countries except Singapore. The Employment Act of 1955 sets working

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hours not to exceed 8 hours per day or 44 hours per week (5 1/2 days), sets overtime rates for hours in excess of those, and mandates public holidays, annual leave, sick leave, and maternity allowances for workers. Most such provisions are at least on a par with standards in industrialized countries. Minimum standards of occupational health and safety are set by law and enforced by a unit of the Ministry of Labor. Severance benefits are provided under the Employment (Termination and Lay-off Benefits) Regulations of 1980. The Employees Provident Fund (EPF) Ordinance of 1951 requires employers and employees to contribute to a fully funded retirement program. Some 90 percent of workers are covered by either the EPF or the Government's own pension plan for public servants. The Workmen's Compensation Act of 1952, and the Social Security Act provide disability and workman's compensation benefits.

There is no national minimum wage legislation, but certain classes of workers are covered by minimum wage laws: retail clerks, hotel and restaurant employees, cinema workers, and a few others, totaling approximately 140,000 workers. By local standards, and taking into account various worker benefits received by most workers, Malaysian wages provide a decent standard of living for workers and their families. The effective minimum wage for unskilled labor in the urban areas is about \$90 per month. Plantation work is increasingly being done by contract workers, including numerous illegal immigrants from Indonesia, in part due to a shortage of Malaysians interested in such work. Working conditions for contract workers often are significantly below those of direct hire plantation workers, many of whom belong to the National Union of Plantation Workers. Additionally, many of the immigrant workers, particularly the illegal ones, may not have access to Malaysia's system of labor adjudication. In 1989 the Malaysian Government, at least in part to prevent the exploitation of these workers, moved to legalize large numbers of illegal immigrant workers, granting 290,000 work passes to Indonesian plantation workers in August.

THE MARSHALL ISLANDS

The Republic of the Marshall Islands is a nation of 31 low-lying coral atolls scattered over 750,000 square miles of the Central Pacific, comprising a total land area of about 70 square miles. The population, of Micronesian origin, is estimated at 43,000, two-thirds of which are concentrated on Majuro and Kwajalein atolls. The Marshall Islands constituted part of the Trust Territory of the Pacific Islands, administered by the United States from 1947 to 1986 pursuant to an agreement with the United Nations. In October 1986, the Republic of the Marshall Islands became a sovereign, self-governing nation under the Compact of Free Association with the United States.

Political legitimacy in the Marshall Islands rests on the popular will expressed by majority vote in accordance with a constitution uniquely blending American and British precepts. The executive branch of the Government consists of the President and his appointed Cabinet, all of whom are elected members of the legislature. The legislature consists of the Parliament, known as the Nitijela, and a Council of Chiefs (Iroij), the latter serving largely a consultative function. The Constitution established an independent judiciary. Under the Compact of Free Association, the United States is responsible for defense and national security. Consequently, the Marshall Islands has no security forces of its own aside from local police and other law enforcement officers, both of which are firmly under the control of the civil authorities.

The economy depends mainly on transfer payments from the United States, coconut oil and copra exports, limited tourism, and the fishing industry.

No human rights abuses were reported in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no politically motivated killings by the Government or by opposition political parties.

b. Disappearance

No politically motivated disappearances or abductions were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel, inhuman, and degrading treatment are expressly forbidden by the Constitution. There were no reported instances of such abuses.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains safeguards against arbitrary arrest and detention, and no such incidents were reported.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The right to a fair public trial is expressly provided for in the Constitution and observed in practice. There were no reported denials of fair public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the home is protected by law and respected by the Government. There was no known instance of arbitrary intrusion by the State into the private life of the individual.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press. These are accorded in practice. There is one privately owned newspaper.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is provided for in the Constitution and observed in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Free exercise of religion is provided for in the Constitution and observed in practice. There is no state religion. The majority of the population is Christian. Missionaries are free to seek converts and freely do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel within the country and abroad. There are no restrictions on emigration or repatriation. There are no displaced persons other than those from Bikini atoll who left that atoll in 1946 because of scheduled nuclear testing on their islands. Pending further rehabilitation of the environment, the Bikinians remain resident elsewhere in the Marshall Islands.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government of the Marshall Islands is chosen in free and open elections. There is no formal party system. Parties have informally coalesced around political issues, such as the form of the new Marshallese relationship with the United States, and then dissolved when the issue was resolved.

In 1988 a law was passed prohibiting political activity by aliens. An offending alien is subject to deportation on the decision of the Cabinet. Although the law has never been invoked, its invocation could result in deportation without due process.

THE MARSHALL ISLANDS

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Government or any known requests for investigations. There are no local nongovernmental organizations which concern themselves with human rights. The Republic is not a member of the United Nations, and the Government has not taken an active interest in international human rights matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status, or descent.

Allegations of violence against women are rare and relate mainly to domestic conflict. Assault is a criminal offense, but in some cases women are reluctant to prosecute their spouses. Women's groups have begun holding meetings to publicize women's issues and to create a greater awareness of the rights of women.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of free association in general. This freedom of association is interpreted by the Attorney General of the Marshall Islands as allowing the existence of labor unions, although none have been formed yet. The Constitution is silent on the right to strike, and thus far the Government has not addressed this issue.

b. The Right to Organize and Bargain Collectively

There is no legislation on collective bargaining or trade union organization. However, there are no bars to organization of trade unions or to collective bargaining. There are no special economic areas set aside, and labor standards and practices are the same throughout the islands.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits involuntary servitude, and there is no evidence of its practice.

d. Minimum Age for Employment of Children

There is no legislation concerning minimum age of employment in this traditional society with its largely nonindustrial economy.

e. Acceptable Conditions of Work

The minimum wage is \$1.50 per hour, which is adequate to maintain a decent standard of living by local standards. There is no legislation concerning maximum hours or occupational safety and health.

FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia (FSM) is a nation of 607 islands, mostly uninhabited, extending over 1 million square miles of ocean in the Central Pacific. Four states, Pohnpei, Truk, Yap, and Kosrae, comprise the federation. The four states were formerly part of the Trust Territory of the Pacific Islands, administered by the United States from 1947 to 1986 pursuant to an agreement with the United Nations. In November 1986, the FSM emerged as a sovereign, self-governing nation under the Compact of Free Association with the United States. The population, of Micronesian origin, is estimated to exceed 100,000.

Political legitimacy rests on the popular will expressed by a majority vote in accordance with the Constitution, which is based in large part on the U.S. model. There are three branches of government: a president as chief executive and head of state, a unicameral legislature elected from the four constituent states, and a judicial system which applies criminal and civil laws and procedures closely paralleling those in the United States. Under the Compact of Free Association, the United States is responsible for defense and national security. Consequently, the FSM has no security forces of its own aside from local police and other law enforcement officers, both of which are firmly under the control of the civil authorities. The economy depends heavily on transfer payments from the United States, fishing, tourism, and subsistence agriculture.

No human rights abuses were reported in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No political killings occurred.

b. Disappearance

There were no disappearances or abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of these practices.

d. Arbitrary Arrest, Detention, or Exile

Legal procedure follows U.S. law in its provisions for due process. These provisions are carefully observed. There is no exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Public trial is provided for in the Bill of Rights, and trials are conducted fairly. Juveniles may have closed hearings. The Chief Justice, currently a U.S. citizen, is appointed by the President.

THE FEDERATED STATES OF MICRONESIA

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such arbitrary interference, and in practice there is none.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These rights are constitutionally assured and faithfully observed. Each of the four state governments controls a radio station, broadcasting primarily in the local language. Yap also controls a small television station. The Federal Government and the governors of Kosrae and Truk publish newsletters. Several private and municipal newsletters in Truk and Pohnpei, however, do not hesitate to challenge governmental policies. Religious groups operate private radio stations in Pohnpei and Truk, and a commercial television station broadcasts 12 hours a day on Pohnpei. Nongovernmental media are expanding, albeit slowly.

b. Freedom of Peaceful Assembly and Association

These rights are also provided for in the Bill of Rights. During political campaigns, citizens often take advantage of them to question candidates at public meetings. Formal associations are uncommon in Micronesia. Nevertheless, student organizations and at least one lobbying group exist.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Federated States is extremely hospitable to diverse religions, and missionaries of many faiths work within the nation. The Bill of Rights forbids establishment of a state religion and governmental restrictions on freedom of religion. Most of the citizens are Christians.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions in any of these areas. The Compact of Free Association permits citizens to travel to, reside in, and work in the United States without having to obtain immigrant visas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Congress is elected by popular vote from each state; Congress then chooses the President and Vice President from its ranks by majority vote. State governors, state legislators, and municipal governments are all elected by direct popular vote. Elections are conducted honestly, and political campaigning is unrestricted. Although there are no restrictions on the formation of political groups, to date there have been no efforts to form political parties.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No violations have ever been alleged, nor are there any known requests for investigations. There are no local groups that concern themselves with human rights. The Federated States does not belong to the United Nations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides explicit protection against discrimination based on race, sex, language, or religion. The various traditional cultures establish hierarchies of social status, and these traditional rankings can influence access to political office and education, even though such access is in principle open to all. Traditional culture is greatly respected by the peoples of the Federated States, and is protected by Article V of the Constitution. Although the traditional social orders are losing ground as westernization takes a greater hold upon young people, male dominance is a fact of life throughout Micronesia. Women are still at the early stages of finding jobs beyond the entry level, in both the public and private sectors. Allegations of violence against women are almost exclusively concerned with domestic conflict between husband and wife. Assault is a criminal offense, but in such cases wives are very reluctant to bring formal charges against their husbands. Local support groups are beginning to hold meetings in some of the state capitals to publicize domestic issues, including alcohol and drug abuse. These meetings serve to create a greater awareness of social problems, including the rights of all citizens.

Section 6 Worker Rights

a. The Right of Association

National government employees have the right, by law, to form associations to "present their views" to the Government. The Constitution states that "no law may deny or impair freedom of expression, peaceable assembly, association, or petition." These limits are observed by the Congress. There are as yet, however, no trade unions in this largely nonindustrial society.

b. The Right to Organize and Bargain Collectively

There is no law dealing specifically with trade unions or with the right to collective bargaining. There are no special economic areas set aside, and labor standards and practices are the same throughout the islands.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits involuntary servitude, and there is no evidence of its practice.

d. Minimum Age for Employment of Children

There is no law establishing a minimum age for employment of children.

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e. Acceptable Conditions of Work

The minimum wage for national government employees is \$1.50 per hour. While there is no legally established minimum wage for other types of employment, wages for unskilled workers vary from \$0.80 to \$1.50 per hour under current customs and practices. These wages are sufficient to provide an acceptable standard of living under local conditions. There are no laws regulating hours of work or prescribing standards of occupational safety and health, but a federal regulation requires that employers provide a safe place of employment.

MONGOLIA

The Mongolian People's Republic (MPR) is a highly centralized Communist state, in which the Mongolian People's Revolutionary Party (MPRP), the Communist party, is the only political party permitted to function. Since achieving power in the 1920's, the MPRP has continued Mongolia's long tradition of authoritarian rule, though there are recent signs that the top leadership is sanctioning movement toward reform of the party and government. The Politburo of the MPRP Central Committee, headed by Jambyn Batmonkh, rules. Nominally, the People's Great Hural, or National Assembly, enacts laws, but it faithfully carries out the policies of the MPRP leadership. However, the Great Hural has recently shown signs of movement toward increased openness in criticizing government practices. It meets for 3 days once a year. Between sessions, the Presidium and the Council of Ministers (Cabinet) issue decrees and executive orders.

The Mongolian State is modeled on the Soviet system, and the political influence of the U.S.S.R. is great. While two Soviet Army divisions were recently withdrawn, a significant military presence remains, as do thousands of civilian Soviet advisers and technicians. A Mongolian version of perestroika (restructuring) and glasnost (openness) has begun; changes along these lines have been noted. Consistent with this policy, Chairman Batmonkh and other leaders have publicly criticized political abuses of the past and called for political and economic reform. Contact with and interest in the non-Socialist countries is increasing.

The Mongolian security apparatus functions under the direction of the Council of Ministers in accord with the Constitution. The primary body with responsibility for state and public security is the Ministry of Public Security (MPS). It oversees subordinate bodies, including the Central Militia Office and the network of local police departments. In addition, the MPS administers the State Security Administration, which is responsible for counterintelligence and internal political security. The MPS also oversees the Border and Internal Troop Administration, which performs customs and immigration control, and border security duties. In keeping with recent indications that a high-level political review is under way in the Government of past policies and practices, the MPS has stated publicly that it is reevaluating its responsibilities, which will now include "establishing reliable guarantees against permitting any kind of illegal encroachments on human rights in the future..." There is little information yet to assess MPS policy changes in this area.

Mongolian economic life is dominated by the U.S.S.R. and shaped by its trade, approximately 95 percent of which is conducted with the Soviet Union and Eastern Europe. Soviet involvement in the economy primarily focuses on the mining of nonferrous metals that are subsequently shipped to the U.S.S.R. for processing. Mongolia is now making efforts to diversify international trade with non-Socialist nations. Despite increasing industrialization and urbanization, a majority of the population is engaged in agriculture, with an emphasis on livestock raising and associated light industry.

The United States and Mongolia established diplomatic relations on January 27, 1987, and the U.S. Embassy opened formally in September 1988. At this stage, the body of reliable information concerning government control or

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treatment of Mongolian citizens remains limited. Until recently, there were no known domestic opposition groups. However, on the eve of the Party's Seventh Plenum, a new group surfaced--the Mongolian Democratic Association, composed of students and intellectuals. Two demonstrations by this group which were critical of current and past government practices were permitted by the authorities; banners calling for multiparty elections, an end to bureaucratic privileges, and a more market-oriented economy were displayed.

Individual civil and political liberties are highly restricted. Though the numbers are increasing, few Mongolians are authorized to travel outside of Socialist countries. Emigres from Mongolia are few. Political opposition to the MPRP has recently been permitted, though the extent of the party's control over this opposition remains unknown. Freedoms promised under the Constitution, including speech, religion, demonstration, and assembly, have been severely restricted in the past, but there are now signs that the authorities are relaxing these policies. The Party's official daily recently published a lead editorial calling for guarantees of human rights, including elections, and "large-scale renewal" to ensure rights and freedoms.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There are no indications in recent years of political or extrajudicial killings.

b. Disappearance

There are no indications in recent years of disappearance due to political persecution.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Information is unavailable on this subject.

d. Arbitrary Arrest, Detention, or Exile

The Government recently acknowledged that political arrests and detention occurred in the 1930's and has published numerous official criticisms of those policies as violations of human rights. In keeping with recent signs of increased government openness in criticizing abuses of the 1930's and 1940's, the Minister of Public Security stated publicly that his ministry is now "directing its activities at rehabilitating honest citizens repressed during that period, at establishing reliable guarantees against permitting any kind of illegal encroachments on human rights in the future, and cooperating with corresponding organizations in this matter." The current extent of arbitrary arrest, detention, or exile is unknown. There is little information available yet on the practical effect of these new policy directives on the Ministry of Public Security apparatus.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

Current civil and criminal codes stipulate the right of the accused to judicial process, a legal defense, and public trial "except as stipulated by law." Closed proceedings are permitted in the case of crimes against the State. The civil code focuses on this category of crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy of person, home, and correspondence is provided for in the Constitution, but little is known about the application of these rights by the authorities. Job and residence changes must be approved by the State. The State also plays a role in finding or assigning jobs.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms have been tightly circumscribed. The Constitution provides for freedom of speech but limits this freedom by specifying that the exercise of individual rights must be to "develop and consolidate the state system of the MPR." Actions deemed by the MPRP to fall outside this guideline may result in arrest and detention. Various party and government organizations, including the Ministry of Public Security and the local militia, control political and social conduct. Citizen volunteer committees work with the militia to monitor social and political conduct at the neighborhood level.

Prior to the institution of Mongolian-style glasnost and perestroika, fundamental public criticism of the Government was not permitted. In late 1988, however, for the first time a limited amount of direct criticism of past and present party and government leaders, and of the Soviet Union, was carried in public media. Letters published in the official press are a form of managed criticism permitted by the Government. The government-approved press serves largely as a propaganda tool. Recent practice indicates that representatives of non-Communist foreign media are able to travel to Mongolia. Academic and artistic life also is controlled in accordance with government policy. Information flow is tightly monitored. Mongolian citizens have little access to books, periodicals, or newspapers not printed in Communist countries, but there are signs the Government is permitting more exposure to some Western plays and literature.

b. Freedom of Peaceful Assembly and Association

Freedom of demonstration and assembly are provided for in the Constitution, but, until recently, only government-authorized organizations were permitted. Demonstrations are generally carefully orchestrated by government authorities, but the extent of government involvement in two demonstrations by the new Mongolian Democratic Association in December 1989 is unknown. Demonstrators--mostly students and intellectuals--expressed criticism of past and current government practices, called for plural elections, a more market-oriented economy, intensification of perestroika and glasnost, and an end to special privileges for government officials.

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For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government controls religious activity through the Office of Religious Affairs attached to the Council of Ministers. This office works in close consultation with the showcase Gandan monastery--the only monastery permitted to function. The monastery houses approximately 200 monks. All other monasteries have been closed since the 1930's. As a result, Lamaist Buddhism, a central force in Mongolian life prior to the establishment of the Communist Government, no longer plays a significant part in the lives of most Mongolians. However, rural people reportedly retain many Buddhist beliefs privately. Vestiges of shamanism also remain.

In addition to the 200 monks at Gandan monastery, there are reports of 100 itinerant monks--loosely affiliated with Gandan. Gandan also runs a nominal religious school on a small scale. Mongolians who regularly visit the Gandan Monastery for worship are mostly of the older generation, but there are signs of resurgent interest in religion among Mongolian youth. Two other monasteries are being restored as museums. During 1989 the traditional Mongolian script, long suppressed in favor of Cyrillic, has been revived and is taught in schools and on television. The destruction of lamaseries in the 1930's has been criticized for excessive brutality. Lunar New Year celebrations, carrying Buddhist associations, were permitted in the cities in 1989 for the first time in decades. Such developments appear to evidence a modestly increased toleration of Buddhist and other traditional practices. There are no mosques for the traditionally Islamic Kazakh minority of 80,000 in western Mongolia. This group has been permitted to retain cultural customs, such as dress, based on religious background.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within the country does not appear to be as restricted as in the past, but residence changes must be approved by the authorities. All Mongolians over age 16 must have internal passports and must obtain permission from the Security Bureau in order to travel within the country. Changes of residence or employment must be approved by the Security Bureau and must accord with central planning goals.

In general, few Mongolians have traveled abroad, even to the Soviet Union. In recent years, however, as many as several thousand Mongolian youths have gone to various places in the Soviet Union yearly for specialized programs. There has also been an increase in the number of senior scholars pursuing extended study abroad. Most foreign travel remains restricted to the Soviet Union and Eastern Europe. Though overall figures remain small, increasing numbers of Mongolians are permitted travel to the West for official, academic, or cultural purposes. There is no known routine emigration from Mongolia, but there are also no indications that many people wish to emigrate.

Although the 1960 Constitution assures the right "to reside in the territory of the MPR" to foreign citizens, the Government in 1983 began a systematic expulsion of the 6,000 to 7,000 ethnic Chinese. With the improvement of Sino-Mongolian

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relations in recent years, Mongolia stopped expelling ethnic Chinese in 1985; today the Chinese population numbers less than 2,000. Increasingly, Mongolians are permitted to visit and be visited by ethnic Mongolian relatives whose homes are in China. A bilateral consular treaty regarding treatment of their nationals was signed by Mongolia and China in July 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The Mongolian People's Revolutionary Party (MPRP) has a monopoly on political power, and there is no established mechanism by which the citizenry as a whole can effect transitions in leadership or changes in government. The MPRP is established on the Soviet model with a narrow pyramid of power topped by Party General Secretary Batmonkh. Lower ranking members of the MPRP have had very limited ability to influence the decisions of their superiors, but recent signs indicate that the top leadership has sanctioned movement toward decentralization of decisionmaking within the party. People's Great Hural delegates, for example, are becoming more outspoken on party policies. During a December 1989 session, Great Hural delegates called for accelerated economic reform and criticized "bureaucratism" in the Government and the special privileges of high officials.

Elections are held at regular intervals, but only one candidate has been listed for each office, so the choice has been to vote for the candidate or cross the name out. Many elections reportedly result in a 99.9 percent turnout, and the sole candidate regularly receives the entire vote. However, reforms announced in December 1988 called for the institution of some elections with multiple candidates at all levels.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No organization dedicated to the protection of human rights in Mongolia is known to exist. There has been no known request by an international human rights group to investigate alleged human rights violations in Mongolia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There appears to be little discrimination in education on the basis of race, sex, or religion.

Government policy is to promote equal rights for women. According to government statistics, the percentage of women in the work force rose from 30 to 48.5 percent between 1960 and 1984. Women constitute about 30 percent of the MPRP membership and 49.8 percent of trade union membership, and some hold high professional positions in institutions such as schools, research centers, and hospitals.

At present, there is no information to indicate a significant incidence of societal violence against women. The extent to which family violence, including wife beating, may occur is unknown. Article 84 of the Constitution expressly calls for equal rights for women in all sociopolitical spheres and prohibits the "impairment of women's equality in any form whatsoever." In particular, the law provides for specific protections for women with children and special assistance for

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women during pregnancy and after childbirth. Because Mongolia remains an underpopulated country with just over 2 million inhabitants, official desire to increase the population is strong.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to form and join unions of their own choosing. The right to organize professional associations and trade unions is provided for in the Constitution, but these are government controlled and directed. It is not known how such organizations work in practice, whether trade unions have a right to strike, and whether any strikes took place in 1989. All worker committees are reportedly extensions of the MPRP. However, there have been confirmed cases of direct elections of plant or factory directors, and reports of labor resistance to overbearing party interference in technical matters of production. In the opinion of the International Labor Organization (ILO), constitutional provisions imply that no mass organizations, particularly trade unions, have any possibility of working outside the party framework. The ILO also notes that the Labor Code effectively prevents the formation of any independent trade union organizations. All unions are grouped in the Central Council of Mongolian Trade Unions (CCMTU), which itself is an extension of the MPRP. The CCMTU is affiliated with the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

There is no specific provision for collective bargaining in the labor law. However, local worker committees and people's courts are empowered by the law to form "Commissions for Labor Disputes" to settle grievances. Trade union council representatives and enterprise managers are represented equally on these commissions. It is not known how these commissions function in actual practice. Information whether export processing zones exist is not available.

c. Prohibition of Forced or Compulsory Labor

It is not known if forced or compulsory labor is practiced or prohibited by law.

d. Minimum Age for Employment of Children

The law proscribes work for children under age 16, although those aged 15 may work if allowed to by the local trade union committee. Those under 18 are statutorily prohibited from doing arduous work or from working in dangerous areas such as mining.

e. Acceptable Conditions of Work

The Mongolian Labor Law sets maximum work hours for all workers and exhorts state enterprises to observe work safety requirements. The workday is prescribed as 8 hours for adults, 7 hours for those aged 16 to 18, and 6 hours for those aged 15. The Labor Law provides that "the monthly earnings of a worker or employee may not be lower than the minimum amount of earnings established by the State." No information is available on the implementation of labor law in this area or of the effectiveness of health and safety standards set by the Government.

NAURU

The Republic of Nauru, an 8.22 square mile Pacific island with about 9,000 inhabitants, gained independence in 1968, at which time it adopted a modified Westminster form of parliamentary democracy. Previously, Australia, acting on behalf of the United Kingdom and New Zealand, administered the island, first as a League of Nations mandate and later as a United Nations trust territory.

Nauru has two levels of government, the unicameral Parliament and the Nauru Local Government Council (NLGC), both popularly elected bodies. Parliamentary elections must be held at least once every 3 years. The Parliament consists of 18 members from 8 constituencies and is responsible for national and international matters. The President, who is both head of state and head of government, is elected by Parliament from among its members. The NLGC acts as the local government and is responsible for public services. The judiciary is independent.

Nauru has no armed forces, though it does maintain a police force, now numbering 72 officers, under civilian control.

The economy depends almost entirely on the country's rich phosphate deposits which are mined by the government-owned Nauru Phosphate Corporation (NPC). Its profits are the primary source of revenue for the Government; Nauru has no consumption or income taxes. A large percentage of the NPC's earnings are placed by the Government in long-term investments, meant to support the Nauruans after the phosphate reserves have been exhausted.

Fundamental human rights are accorded by the Constitution and generally respected in practice, although hard data and systematic records are lacking. There were no formal reports of human rights abuses during 1989, but concerns have been expressed about discriminatory treatment of women.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no political or other extrajudicial killings.

b. Disappearance

There were no political disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits these practices, and this prohibition is respected.

d. Arbitrary Arrest, Detention, or Exile

The constitutional prohibition of arbitrary arrest and detention is honored. The police may hold a person for no more than 24 hours without a hearing before a magistrate. Exile is not practiced, though persons found to be "mentally disordered" either by two medical examiners or, in the case of a finding of not guilty due to mental incapacity, by a court

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may be sent to appropriate medical facilities in Australia. Once treatment is completed such persons may return to Nauru.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Nauru maintains an independent judiciary, and constitutional provisions for both a fair hearing and a public trial are respected. Defendants may have legal counsel, and a representative will be appointed where required "in the interest of justice." Nauru has only two trained lawyers, and many people are represented in court by "pleaders," trained paralegals certified by the Government. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution generally provides protection from these abuses. Searches not sanctioned by court order are prohibited, and there is no surveillance of individuals or of private communications. However, Nauruan males must have permission from the Government to marry a non-Nauruan; such permission has not always been granted, though there were no reports of any refusals in 1989. Nauruan females are prohibited from marrying foreigners. Birth control measures are not readily available (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression is provided for in the Constitution, but the island's one radio station and one newspaper (a weekly) are owned and operated by the Government. While the parliamentary opposition, private groups, and individual persons may voice opposition to the Government, their statements may not receive local media coverage. However, Nauru's small population allows news and opinion to circulate freely, rapidly, and widely by word of mouth. A small independent newsletter appearing every 3 or 4 weeks provides an alternative to the state-owned media. Nauru has no prohibitions against other newspapers, but, with a market of only 528 households, the economic viability of independent media is precarious. Foreign publications are freely available.

b. Freedom of Peaceful Assembly and Association

The constitutionally granted right of peaceful assembly and association is honored. No limitations exist on private associations, and no permits need be obtained for public meetings.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is protected by the Constitution, and no official religion is recognized by the Government. Several different Christian denominations are established in Nauru. Missionaries, foreign clergy, and religious publishing are all

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permitted. Adherence to a particular faith results in no advantage or disadvantage in any secular pursuit.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Nauruans are free to move and travel both domestically and internationally. Domestic travel is particularly accessible, since any place on the island is within a 3-hour walk. Foreign workers must apply to their employers for permission to leave during the period of their contracts. They may break the contract and leave without permission but would lose their positions as a result. In most cases foreign employees whose contracts are terminated by their employers must leave Nauru within 60 days.

Nauru does not revoke citizenship for political reasons; citizens who have left the country have the right to return, and repatriates receive the same treatment as other citizens. No restrictions on emigration exist.

Section 3 Respect for Political Rights: The Right of Citizens To Change Their Government

Citizens have, and exercise, this right. Though Nauru has no organized political parties, persons with diverse points of view run for and are elected to Parliament and to the NLGC. Though one man held power much of the time since independence, shifting parliamentary groupings, many reflecting family and clan loyalties, have often resulted in changes in leadership. In August 1989, Parliament elected a new president. This was followed 4 months later by the regularly scheduled election which resulted in two new members being chosen for Parliament and the naming of the third president to lead Nauru within the year. Nauru has also had changes in presidential leadership on four occasions prior to 1989. Power has always been transferred peacefully and in accordance with the Constitution. Voting by secret ballot is compulsory for all citizens over age 20 for parliamentary elections and for all over age 21 for NLGC elections. All parliamentary seats have been contested during recent elections. The only significant non-Nauruan group in the nation, the 3,000 guest workers, have no voice in political decisions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no allegations by outside organizations of human rights violations in Nauru, nor any requests for investigations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution contains provisions assuring women the same freedoms and protections as men. They are provided equal opportunities by the Government in education and employment and are free to own property and pursue private interests except, as noted above, they are prohibited from marrying foreigners.

Nauru's population has almost been eliminated on several occasions, first by disease, and then during World War II as a result of massive removals by the Japanese. The Government

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therefore went to great lengths to encourage large families. Birth control has been available to women only after they have five children, and then it is often difficult to obtain. The island has no gynecological specialists and no women doctors. Nauruan women complain that the emphasis on their reproductive role limits their opportunities. Serious problems with alcoholism are generally blamed for the physical abuse of women in Nauru. During the tenure of former President DeRoburt, such abuse, like other issues involving women, received no attention from the Government, and no statistics about the prevalence of such abuse exist.

Foreign contract laborers and their families live only in very crowded conditions and suffer disproportionately from the rationing imposed during times of water shortages. Additionally, while regulations allow those from Kiribati, Tuvalu, and other Pacific islands to bring spouses and two children under age 18 to Nauru, this privilege is denied to Filipino guest workers.

Section 6 Worker Rights

a. The Right of Association

Trade unions do not exist in Nauru, and efforts to form unions are officially discouraged. Pilots employed by Air Nauru went on strike during 1988 partly in order to gain recognition as a legal union. The DeRoburt Government refused to grant union status to the airline pilots, denounced the strike as interrupting a vital service, and dismissed the pilots. Replacement pilots have not attempted to form a union. The transient nature of the mostly foreign work force and the relative prosperity of the Nauruans have tended to hamper efforts to organize the labor force. No strikes took place in 1989. Nauru is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

There are no laws discriminating against unions or their members. There are no export processing zones on Nauru.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is forbidden by the Constitution, and there were no instances of either.

d. Minimum Age for Employment of Children

Nauruan law sets 17 as the minimum age of employment for children. This is enforced, except where children under age 17 work in the few small businesses owned by their families.

e. Acceptable Conditions of Work

Nauruan wages provide a decent, if Spartan, living for all workers, but the actual compensation varies widely. In 1989 Nauruans had a minimum wage of \$3.88 per hour and a 35-hour workweek. Foreign contract workers had a similar workweek, but earned only \$2.77 per day, except for skilled tradesmen, who earned \$7.70. Overtime rates of time and a half, with double time for Sundays and holidays, considerably supplement foreign workers' incomes. Also, free housing and food is provided for foreign workers and their families.

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The Government sets health and safety standards. NPC, the island's major employer, has an excellent safety program that includes worker education and the use of safety helmets, safety shoes, respirators for dusty conditions, and other safety measures. During 1989 NPC had only 1 serious worker accident and about 10 minor accidents in its work force of 1,200.

NEW ZEALAND

New Zealand is a parliamentary democracy, with executive authority vested in a 20-member cabinet led by a prime minister. The 97 members of the unicameral legislature include 4 elected by those members of the native Maori minority who wish to be included on a separate electoral roll.

Maori comprise approximately 9 percent of New Zealand's population of 3,372,000, while other Pacific islanders total about 3 percent. The rights of the native Maori minority have been the subject of increasing public attention in recent years, particularly as the country prepares to commemorate 150 years of European settlement in 1990. The Department of Maori Affairs is being phased out in favor of the Iwi Transition Agency, charged with overseeing the devolution of responsibility for Maori interests to Iwi (tribal) authorities.

Niue and the Cook Islands are self-governing countries in free association with New Zealand. The island group of Tokelau is administered by New Zealand with limited but growing self-government. Inhabitants of all three hold local and New Zealand citizenship, and local law is compatible with New Zealand and British common law.

The police and defense forces are responsible to and firmly controlled by civilian officials.

Real annual economic growth has been low or negative in recent years. However, the free enterprise economy affords the opportunity for a reasonable standard of living for most New Zealanders. Education is freely available to all.

New Zealand continued its excellent record in human rights during 1989. New Zealanders enjoy personal freedom, freedom of religion, freedom of the press, universal suffrage, and the rule of law. Respect for minority rights, concern for the economically deprived, and the humane treatment of prisoners are established in principle and in practice.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

Such killings do not occur.

b. Disappearance

There have been no instances of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other forms of mistreatment are prohibited by law, and these prohibitions are respected in practice.

d. Arbitrary Arrest, Detention, or Exile

New Zealanders enjoy freedom from arbitrary arrest, detention, and exile. New Zealand law provides for the writ of habeas corpus, and persons arrested in New Zealand are charged

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promptly. Legal aid is provided by the court to those who cannot afford to pay for a private attorney. Preventive detention is prohibited.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

New Zealand law assures a prompt, public trial. The rights of the accused are carefully observed and subject to public scrutiny. The judiciary operates independently of executive or legislative influence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy is assured by law. The Government does not violate a person's privacy, the sanctity of the home, or the integrity of correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are assured by law and respected in practice. More than 150 newspapers and 600 magazines are published throughout the country, reflecting a wide spectrum of political and social thought. The Government makes no attempt to censor the press, and opposition viewpoints are freely expressed.

b. Freedom of Peaceful Assembly and Association

Rights to peaceful assembly and association are recognized and respected.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

New Zealand enjoys a long tradition of religious tolerance. All faiths are given equal treatment under the law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

New Zealanders are not subject to limitations on internal movement or resettlement. Foreign travel is unrestricted, and the right to return is assured. To the extent of its resources, New Zealand accepts and resettles refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people freely elect their government. Two major parties, Labour and National, dominate the political scene and have formed governments chosen in triennial elections for more than 50 years. Smaller parties and groups are usually of little consequence in the national electoral process. New Zealand law provides for universal suffrage; citizens are eligible to vote at age 18. No restrictions based upon race, sex, creed, or national origin limit participation in the political process. Women and Maoris, as well as other minorities,

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regularly serve in Parliament and the Cabinet albeit in numbers well below their proportion of the population. Voting rates are high, and participation in political groups is common. Opposition groups freely voice their views.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

New Zealand's commitment to human rights is clearly demonstrated by the active efforts of local, national, and international bodies organized to protect human rights and prevent discrimination. The official New Zealand Human Rights Commission and the New Zealand Council for Civil Liberties are joined by such nongovernmental human rights organizations as the Citizens Association for Racial Equality, the New Zealand chapter of the International Commission of Jurists, the Race Relations Conciliator, Amnesty International, and the National Organization of Women. In May 1989, the Government sponsored an international human rights conference in Wellington which, while noting New Zealand's excellent human rights record, urged the Government to do more to promote the rights of the Maori and Pacific island minorities within the country.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Despite the historical absence of overt discrimination and the achievements and status of many successful Maori in government and public life, some of the indigenous population remain marginally educated and economically disadvantaged. Increasing urbanization (approximately 90 percent of young Maori live in cities) and continued assimilation with New Zealanders of European descent have created social stress which is reflected in social indicators. A relatively high percentage of Maori are unemployed and receive state assistance. They figure disproportionately in crime statistics and among the prison population.

Maori activists continue to press for the return of government-held land and assets to Maori tribes in accordance with the terms of the 1840 Treaty of Waitangi. Legislation reallocating fishing quotas to Maori tribes in accordance with the Treaty underwent several revisions in 1989. At year's end that legislation was before a parliamentary select committee. Numerous other claims are currently under investigation, and sales of several state assets have been held up pending a review of the effect of the sales on Maori rights and interests. Some Maori activists have called for a boycott of ceremonies commemorating the sesquicentennial of the Treaty on the grounds that the Government has not honored its terms.

The Government established a Ministry of Women's Affairs in 1985 and has ratified the U.N. Convention for the Elimination of all Forms of Discrimination Against Women. A Human Rights Commission established in 1977 hears complaints about sex discrimination, most frequently concerning wage inequities. The Government has promised that "comparable worth" legislation will be introduced during the current term of Parliament. The Government has funded shelters and other assistance for victims of domestic violence and has prosecuted offenders.

Violence against women has received increased public and governmental attention in recent years. The Crimes Amendment

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Act of 1986 eliminated the crime of rape, replacing it with the crimes of sexual violation and unlawful sexual connection. The new law also increased protection for the victim during trial by allowing suppression of the victim's name and other details, and eliminated the exemption for spousal rape. In 1987 the police changed their policy on family violence, requiring that arrests be made instead of attempting mediation at the scene by police officers not trained for that role. Women have become increasingly cognizant of their legal rights as evidenced by the number of claims to the Accident Compensation Corporation for "loss of the capacity for enjoyment of life." In 1981 there were three such claims based on sexual abuse. In 1988 there were 1,500. Services for victims are rapidly increasing as well; in 1987-88, 76 rape and sexual abuse counseling organizations were funded by the Department of Social Welfare, up from 48 the year before.

Section 6 Worker Rights

a. The Right of Association

New Zealand workers have unrestricted rights to establish and join organizations of their own choosing and to affiliate those organizations with other unions and international organizations. Their unions are protected from interference, suspension, and dissolution by the Government and, in fact, have considerable influence on legislation and government policy. Unions have the right to strike. Public sector unions, however, are precluded from striking if work stoppages pose a threat to public safety. Unions freely maintain relations with international bodies and participate in bilateral exchanges.

For the past 2 years, the Committee on Freedom of Association (CFA) of the International Labor Organization has examined a complaint from the New Zealand Employers' Federation that the 1987 Labor Relations Act restricts freedom of association by requiring that unions must have 1,000 members to be officially registered. Noting that although unregistered unions are legal, official unions have broader rights, the CFA has requested the Government to reexamine the system established under the 1987 Act.

b. The Right to Organize and Bargain Collectively

The right of labor unions to organize and bargain collectively is provided by law. Unions actively recruit members and engage in collective bargaining. Sixty-four percent of wage earners are represented by unions. New Zealand unions operate under a closed shop system where union membership is compulsory if the majority of workers in a workplace vote in favor of union coverage.

Mediation and arbitration procedures are independent of government control. A system of labor courts hears cases arising from disputes over interpretation of labor laws. In addition, the Arbitration Commission and the Mediation Service are available to handle wage disputes and assist in maintaining effective labor relations. Labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

All New Zealand workers are protected from forced or compulsory labor by law and in practice.

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d. Minimum Age for Employment of Children

Children under the age of 16 may not be employed without special government approval and must not work between the hours of 10 p.m. and 6 a.m. These laws are effectively enforced.

e. Acceptable Conditions of Work

New Zealand enforces a 40-hour workweek, a minimum of 3 weeks' annual paid vacation for all employees, and observance of 11 paid public holidays. The hourly minimum wage of \$3.50 is adequate to provide a decent standard of living. In most cases, minimum wage recipients also receive a variety of welfare payments. Most workers earn more than the minimum wage.

New Zealand has an extensive body of law and regulations governing health and safety issues. Rules are enforced by Department of Labor inspectors who have the power to shut down equipment if necessary, and unions may file safety complaints on behalf of workers.

PAPUA NEW GUINEA

Papua New Guinea is the largest of the South Pacific island nations with some 1,000 different tribes and 869 languages. It covers half of the second largest island in the world and many outlying islands, constituting the largest part of Melanesia. It has a federal, parliamentary form of government based on the consent of a majority of the votes of all adult citizens. The Constitution resembles those in other English-speaking parliamentary democracies, with the traditional culture emphasizing respect for landholding and individual rights. A civilian government controls the military, police, and intelligence organizations. The four transfers of power since independence in 1975 have been peaceful and in keeping with the Constitution.

The economic structure comprises a modern free-enterprise system combining private, largely foreign, investment, government-owned enterprises, and a traditional subsistence farming economy that supports 80 percent of the population. The private sector generates most of the wealth and contributes 80 percent of state revenue. Most of the remainder is aid from Australia. The country has rich mineral, timber, hydroelectric, and petroleum resources now under development.

There were reports of human rights violations in Papua New Guinea in 1989 as the society came under severe new strains. The Government had to deal with an insurgency and a growing problem of law and order, while intertribal conflict continued as a serious problem in the highlands. The Government also showed growing concern over mistreatment of women. In general, however, the country's network of democratic, social, and political institutions sustained a continued respect for human rights. These institutions included a responsive parliament, an independent judiciary, and a free press. The country continued to host, with the cooperation of the United Nations High Commissioner for Refugees (UNHCR), some 10,000 Melanesians who have illegally crossed the border from Irian Jaya, Indonesia.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The Government did not resort to political killings. In North Solomons Province, however, a small group of armed insurgents reportedly killed at least 10 noncombatants, and counter operations by security forces also claimed several civilian lives. (See Section 1.g.)

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel or degrading treatment or punishment are forbidden by the Constitution. An unusually high crime rate has created what is proportionally one of the world's highest convict populations. Treatment of prisoners is monitored by the press and clergy, both highly sensitive to

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allegations of police misconduct. Allegations of misconduct are actively investigated by an Ombudsman Commission, and its recommendations are enforced by the courts. Such actions resulted in awards of civil damages and punishment of offending police officials. Police in the highlands reportedly have beaten villagers, a traditional law-and-order practice, in their efforts to quell tribal fighting and other violence there. There have been periodic reports from Bougainville in recent months that captured militants were tortured.

d. Arbitrary Arrest, Detention, or Exile

No cases of politically motivated arrests occurred. The courts strongly enforce constitutional protections against arbitrary arrest and detention. Exile is not practiced, and warrants are required for arrests. Suspects have free access to legal counsel. Both in law and practice, accused persons are informed of charges and their arrest is subject to judicial review. They have the right of bail except in cases where judges rule that risk of flight or further violence requires continued confinement.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There were no cases of denial of fair public trial. The court system is similar to those in other countries with English common law traditions. The law guarantees a public trial, with observance of due process rights guaranteed in the Constitution. Defendants have the right to an attorney, and counsel is provided to poor defendants at government expense in felony cases involving violence. The defendant and his or her attorney can confront witnesses, present evidence, and appeal convictions. In a police and judicial system short of resources and confronted with a high crime rate, periods between arrest and trial can be long. Such detention is subject to judicial review, however, and a prisoner may not be held without trial for more than 6 months. The courts are independent of executive, political, or military authorities, and there are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Authorities generally respected the sanctity of the home and family and the privacy of correspondence. There were reports, however, that security forces burned village homes in efforts to quell tribal disturbances in the highlands and in operations under the state of emergency on Bougainville.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Attacks on the Bougainville copper mine in the North Solomons Province by militant landowners forced closure of the mine on May 15. That led to a declaration of a state of emergency in the province. The destruction of mine facilities and the killing and wounding of at least 10 mine personnel by the armed insurgents thwarted government efforts to reestablish security or to conclude a new compensation package that would permit the mine to reopen. The insurgents were also suspected in the assassination of a local government minister who was assisting in negotiating a compensation settlement with the

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local landowners. The posture of security forces on the island was generally defensive, aimed at protecting the mine and its workers. The Government adopted a conciliatory attitude, and there was no effort to deny the population essential supplies. The security forces had several lapses of discipline, however, which included burning of village houses and mistreatment of persons. The provincial Premier, suspected of carrying information to the leader of the insurgency, was beaten. An aide who tried to defend him lost an eye as a result of his injuries. Persons in areas directly affected by the conflict were resettled in government-funded camps.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. The Government imposed a ban on travel to the troubled North Solomons Province by diplomats and foreign journalists but lifted it after several weeks. State-owned radio and television give significant coverage to statements of opposition politicians and investigate public issues. Pornography is prohibited. Films are censored for suitability and classified according to sexual explicitness and degree of violence. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Demonstrations require legal permits, but these are almost always granted. The rare denial or limit of a demonstration that does occur comes in the general context of high local tensions and not because of the particular cause itself. An unsanctioned demonstration took place in February when soldiers demonstrated at Parliament over postponement of a pay raise.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is assured by law. There are no restrictions on the practice of religion and no religious discrimination. A wide variety of indigenous and Christian denominations flourish. There are also small Buddhist and Muslim minorities. Missionaries are allowed to work freely in the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and outside the country is not restricted by law. Foreign citizens who reside in Papua New Guinea may become naturalized citizens by satisfying a residency requirement and obtaining sponsorship of a village. Acquired citizenship is revocable only for fraud.

The Government continued to observe a humanitarian policy toward the approximately 10,000 persons from Irian Jaya living in camps along the border and toward the related Irian Jaya separatist movement, Organisasi Papua Merdeka (Free Papua Movement or OPM). The Government also continued to cooperate with the UNHCR to determine which persons qualify as refugees.

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At the same time it worked with Indonesian authorities to encourage voluntary repatriation of those--probably the majority--who do not fear persecution should they return. The Government has repeatedly reaffirmed its policy to consider the effects of repatriation on a case by case basis (with the help of the UNHCR) and not to repatriate by force anyone judged to be a refugee. It also continued to resettle the border crossers from several camps to one large settlement farther from the border, and to express concern over OPM activities. The Government has repeatedly emphasized that it will not permit Papua New Guinea territory to be used as a base for OPM guerrilla operations against Indonesia. In September the Government expelled a Swiss citizen, a supporter of the OPM who had illegally flown into Irian Jaya from Australia and then crossed the border into Papua New Guinea. The Government remains sensitive to arguments that Papua New Guinea has a moral obligation to provide permanent asylum to refugees from Irian Jaya or to help them find asylum in a third country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens freely exercise their right to change their government through direct elections with a secret ballot and adult suffrage. The voters elect a unicameral parliament made up of 109 members from all 19 provinces and the Port Moresby national capital district. Any citizen can stand for election, and several foreign-born members sit in Parliament. With a multiplicity of parties, the coalition that can command a majority forms the government. However, the weak development of parties and the shifting coalitions they produce has led to instability such that no government yet has survived enough no-confidence votes to fulfill its 5-year mandate.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

It is believed that the Government would cooperate with any proposed international or nongovernmental investigations of alleged violations. However, as there have been no requests for investigations by international or nongovernmental agencies of human rights violations in Papua New Guinea the question has not arisen. The press and concerned politicians quickly publicize, and the Ombudsman Commission and the courts investigate and take remedial action in, cases of alleged government abuses.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

With its extreme ethnic diversity, Papua New Guinea is not dominated by any ethnic group or geographic area. The democratically elected Government, relying precariously on loose coalitions, cannot afford to display ethnic favoritism. The democratic system has extensive provisions for women's rights. The achievements of women in the modern sector are considerable, given the inherent tribal discrimination. They serve as doctors, lawyers, business executives, and in government.

Accurate statistics on women in the paid labor force are not available, but the Department of Labor estimates this at 10

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percent. Family law and marriage and property rights of women are guaranteed in a legal system based on English common law, although the majority of women still live according to the older traditions.

Violence against women is widespread. Some tribal cultures emphasize antagonism between the sexes. While women are protected by their family and clan, attacks on women remain common in intertribal warfare. In addition, "pack rapes" against women occur frequently and are often reported by the press. Both public organizations and the Government are working to bridge time and gender gaps and to upgrade the status of women. Several women's rights groups, most notably the National Women's Association, actively promote the evolution of the role of women and run campaigns against crimes such as rape and wife beating. In March the Government launched a new campaign against domestic violence with the release of a video film produced by the Law Reform Commission and the Women and Law Committee. This is reportedly the first video program on this subject produced by a developing nation, and copies were requested by the United Nations, the Pacific Commission, and the Commonwealth Secretariat. In introducing the film, the Minister of Justice noted that a happy and stable family life is founded on mutual love and respect, not on force or fear, and called on parents to show their children a good example of how to settle arguments without fighting and hurting each other. The film's first showing on television was introduced by the Prime Minister and his wife, and the Governor General and his wife participated in a panel discussion of it.

Section 6 Worker Rights

a. The Right of Association

Labor unions are protected by law and are active and important in the country's economic and political life. Over 50 trade unions exist, among which the most significant are the Public Employees Association and the two mineworkers' unions. Both public and private sector unions have the right to strike. Although civil servants have never struck, private sector unions do on occasion. In September they pressured the Government to approve recommended increases in the minimum wage. The Papua New Guinea Trade Union Congress is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution ensures workers the right to engage in collective bargaining, to join industrial organizations, and to seek employment. These rights are freely exercised, although for the past several years the Committee of Experts of the International Labor Organization (ILO) has criticized the Government's power to reject, at its discretion, arbitration awards or agreements concerning wages. The Committee, again in 1989, strongly urged the Government to bring its legislation into conformity with ILO Convention 98 on Collective Bargaining, which Papua New Guinea has ratified. There are no export processing zones in Papua New Guinea.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and all forms of forced or compulsory labor, and no reports of their practice have been

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received except when the latter is imposed as a condition or sentence after due process of law.

d. Minimum Age for Employment of Children

The minimum working age is 15. However, children between the ages of 11 and 16 may be employed in family-related work provided they have parental permission, a medical clearance, and a work permit from a labor office. Such employment is rare except in subsistence agriculture.

e. Acceptable Conditions of Work

Working hour limitations, rest periods, holidays, leave, wages, and compensation are regulated by the Employment Act of 1978. Minimum wages are established by the Minimum Wages Board. These vary by industry and types of work, and whether or not work is performed in an urban or rural area. They provide a barely adequate living within the local context.

Standard hours of work are regulated as well and, although variable for some occupations, may not exceed 42 hours per week in an urban area or 44 hours in a rural environment. The provision of housing or a housing allowance is a precondition for most employment.

The Department of Labor is responsible for the enforcement of laws and regulations concerning safety, health, and working conditions. Enforcement of health and safety codes is an important focus of organized labor activity. While the Industrial and Welfare Act states that there should be regular inspections conducted in all workplaces, the Department of Manpower does not have the personnel to fulfill the Act's requirements. There are only two inspectors covering the whole country. Inspections are carried out only when a specific request is made by an industry.

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The Philippines has a republican form of government with a democratically elected President and a bicameral legislature. President Corazon C. Aquino was sworn into office in 1986 after a popular and nearly bloodless uprising ended the 20-year rule of Ferdinand Marcos. A new Constitution was ratified in 1987, followed by Congressional elections the same year, local and provincial elections in 1988, and village elections in 1989.

The Armed Forces of the Philippines (AFP), which now number some 166,000 personnel, continued to be engaged against a Communist insurgency active in many of the country's 73 provinces. The army, with 68,000 and the Philippine Constabulary (PC) with 42,000, are the largest elements of the AFP. The Integrated National Police numbers 40,000. The AFP has established local militia units called Citizens Armed Forces Geographical Units (CAFGU's), with 52,000 men. In early December, elements of the armed forces identified with the "Reform the Armed Forces Movement" (RAM) joined with Marcos loyalists to launch a week-long coup attempt which resulted in over 100 deaths, mostly civilians caught in the crossfire. The Aquino Government was able to quell this threat from the right, and trials of senior officers involved are scheduled for early 1990.

During the year, the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA), escalated campaigns of urban terrorism, political assassination, kidnaping, and extortion, resulting in widespread human rights abuses. In Mindanao the Muslim secessionist movement stepped up its violent activities after a lull of several years. Elements of the Army and the PC have also been involved in human rights violations.

The Aquino Government has made relief of the endemic poverty of the Philippines one of its highest priorities. In 1986 government statistics showed that 59 percent of Filipinos lived below the poverty level. Facilitated by an upturn in the economy--estimated at 5.5 percent real growth for 1989--the number of people living below the poverty level has declined to 46 percent, according to government statistics. The Philippines has a population growth rate estimated at 2.4 percent, the highest in the region.

The dominant factors in the human rights situation in the Philippines are the continuing CPP/NPA insurgency with its campaign of terrorism (including assassination and kidnaping), and the reaction to it by elements of the security forces and CAFGUs that the Government has rarely been able to control or effectively try and punish. New evidence indicates, however, that some disappearances attributed to the security forces were in fact murders carried out by Communist guerrillas.

The Aquino Government continued to express firm opposition to human rights abuses and devoted increased attention to human rights training programs, better discipline, and improved civil-military relations. While the incidence of extrajudicial killings and other acts of violence, as measured by local human rights groups, appeared to decline in absolute numbers from 1988, violence remained at a high level.

The principal human rights concerns in 1989 included extrajudicial killings, great difficulties in trying and punishing those responsible for human rights abuses, and

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displacement of civilians caused by military operations against rebel groups. Other areas of human rights abridgments included brutal treatment of prisoners and arbitrary detentions. The Aquino Government has restored freedom of speech and press, assembly and association, the right of citizens to change their government by democratic means and workers' rights--all of which were either denied or sharply abridged under the Marcos regime.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The number of political killings reported in the Philippines declined notably in 1989, according to information from governmental and nongovernmental sources, although extrajudicial killings still occur frequently throughout the country. In addition, it is estimated that more than a thousand people lost their lives in 1989 due to the insurgency and counterinsurgency, although no definitive figures are available. In many of the cases of extrajudicial killing, the identity and motivation of the perpetrators are subject to dispute. In some incidents, there is evidence linking AFP personnel or police to the killing, either during counterinsurgency operations or in unauthorized or individual criminal activities. The Government's pronouncements against such abuses are clear, but convictions of persons accused of unauthorized actions are rare. In other cases, the killings are attributed to Communist insurgents engaged in a continuing campaign of political assassinations of government officials, including provincial leaders, military officers, and police. The NPA has also acknowledged responsibility for several "massacres" of civilians. The discovery of mass graves gave substance to reports of an internal purge of suspected "deep penetration agents" in the CPP organization. In other instances, the evidence suggests that private vendettas and criminal activities resulting in murder are sometimes incorrectly attributed to political assassins of the left or right.

The official fact-gathering human rights institution in the Philippines is the constitutionally mandated Commission on Human Rights (CHR). Charged with investigating all alleged violations of human rights within the country, CHR has been criticized by some for being an apologist for the Aquino administration. Partially in answer to those charges and to produce more complete figures, CHR revamped its statistical compilation procedures in 1989 and revised its statistics for 1988. Several private groups, of which Task Force Detainees (TFD) is the best known, also record complaints of human rights abuses. TFD reports only on abuses allegedly committed by government forces and not by those of the NPA. Its acceptance of sometimes poorly substantiated reports and its close association with the CPP have led to charges that it overstates the case against the Government. As a result, quantifications of human rights abuses in the Philippines, including political killings, are difficult to verify and are subject to ideological manipulation.

Nevertheless, trends in the statistics from both CHR and TFD clearly indicate that the number of political killings decreased substantially during 1989. In the first 6 months of

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1989, the CHR central office received complaints regarding 292 victims of political killings (including multiple, individual, and attempted killings), compared to 856 in 1988. TFD reported 141 summary executions by government forces and an additional 132 persons killed in massacres (politically motivated killing of groups) from January 1 to November 14, compared to 445 victims in 1988.

During 1989 the extent and seriousness of the NPA's violations of human rights received greater attention and publicity in the Philippine media. Earlier reports of an internal purge in which several hundred people were detained, tortured, and killed were given credence by the discovery of mass graves in Quezon, Albay, Laguna, Bataan, and Zamboanga del Sur provinces, tagged by the press as the "killing fields." A former NPA member testified that about 150 CPP/NPA members were killed between April and December 1988 in southern Luzon. Documents seized from the NPA describe arbitrary detention, torture, trial in kangaroo courts, and execution. Although most of the bodies remain unidentified, preliminary evidence indicates that the graves contain some persons whose disappearances had earlier been attributed by TFD and others to government forces or rightwing vigilante groups. In one instance, of the 27 bodies identified 11 were civilians.

In June the NPA admitted attacking a United Church of Christ Philippines (UCCP) mission in Davao Del Sur, Mindanao, killing 40 civilian churchgoers. Two of the victims were beheaded. In another case, an NPA unit reportedly killed seven members of a family and wounded five others in Zamboanga Del Norte. The NPA has also reportedly killed a number of people who refused to pay "revolutionary taxes." For example, the widow of a sugarcane planter in Negros Occidental said the NPA abducted her husband after he refused to pay a monthly tax of about \$140. His body, showing signs of torture, was found in a field 2 days later.

The NPA also targeted government personnel for assassination, particularly security officials and police, by its "sparrow" hit teams. NPA units are believed responsible for the assassination of at least 80 constabulary and police officers in metropolitan Manila alone in 1989. Among those killed by NPA units were four members of the Philippine Presidential Security Group and three Americans: U.S. Army Colonel James Rowe of the Joint United States Military Assistance Group (JUSMAG) in April, and two civilian employees of a defense electronics contractor in September. The NPA said it killed Rowe because of his alleged involvement in counterinsurgency operations. Although no one has yet claimed responsibility for the September killings, which coincided with the visit of Vice President Quayle, the NPA subsequently promised additional strikes against Americans.

Muslim opposition groups stepped up their violent activities in an attempt to disrupt the November plebiscite on the Muslim Autonomous Act. They are believed responsible for a cargo truck ambush that killed six people, a grenade attack on a house that left seven dead, two casualties from shooting a passenger bus, an ambush of National Power Corporation vehicles that killed two Austrian consultants, and a bomb at the Commission on Elections headquarters that killed one person.

There continued to be credible reports of killings by the military and CAFGU's in the field as well as a few by private

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vigilante groups. The Government has acknowledged that in some cases the rules of engagement have not provided sufficient protection for innocent civilians. For example, an exchange of fire between Philippine Marines and NPA insurgents in Bulacan province in April resulted in the deaths of one Marine and nine others, all but one presumed to be noncombatants. Presidential and military investigating committees found no evidence of an intentional massacre, but recommended that the military examine its operational rules to ensure the safety of civilians. NPA ambushes or military-NPA encounters often occur in populated areas, and civilians are periodically caught in the crossfire. The NPA has been known to mingle with civilians when engaging the AFP. There is credible evidence that military units in the field torture and abuse suspected NPA sympathizers during interrogation, sometimes leading to the death or execution and secret burial of the victim.

The Government has repeatedly affirmed its commitment to the rule of law and issued instructions that the human rights of all Filipinos be respected. However, many cases have been reported in which soldiers or policemen have carried out murders, kidnappings, or other serious offenses, sometimes due to personal vendettas or criminal activity. In other cases, a commander of a small unit may lead his men in committing abuses. There is little evidence in such cases that more senior military officials act to halt the abuses. Few of the alleged offenders are disciplined or dismissed, and even fewer have faced judicial proceedings. According to the Department of National Defense (DND), only 27 complaints were filed in the first half of 1989 against individual members of the military/police/CAFGU for alleged human rights violations. Of these, 3 were referred to civil courts, 6 were dropped, 13 were still under investigation, and 2 resulted in dismissal.

The CAFGU's were established in 1987 to increase the Government's control over the local militia. Local officials are responsible for screening volunteers, and the AFP trains and leads the units through an officer (usually a lieutenant) and several enlisted men. A total of 909 CAFGU companies have been organized with 52,000 authorized personnel. A number of human rights violations by the CAFGU's have been reported, and private funding of some units by landowners or businessmen has raised concern about the Government's ability to control the units. Most notorious was an August grenade-throwing incident in which nine people were killed.

In other extrajudicial killings in 1989, it was often difficult to determine whether the motive was political, personal, or criminal. The July stabbing of Wenefredo Oton in Davao Del Sur may have been committed by an anti-Communist group which suspected him of Communist sympathies, or by the NPA because of his role in leading a fact-finding group to the scene of the June UCCP massacre by the NPA.

A number of persons were killed during the March barangay elections, including an incumbent barangay captain and six candidates. (The barangay is the Philippines' smallest administrative unit, equivalent to a village or city neighborhood. See Section 3 for more information on the barangay elections.) The timing hints at some political motivation and the murders remain unsolved. At least 17 labor leaders were killed in the first 8 months of 1989. Jose Eduardo Oca of the Port Workers Union and Meliton Roxas, president of the local union at the Nestle Philippines plant,

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were prominent among those killed. Credible reports indicate that management, rival unionists, the NPA, or rightwing vigilantes were involved in various unsolved cases. The Government apprehended and tried suspected killers of labor unionists in several cases in 1989. By year's end, none of these trials had been completed.

Church people were among the victims of killings. UCCP Pastor Visminda Gran, a former candidate of the leftist Partido Ng Bayan political party, and her husband Lovino Gran were killed in their home in Biliango, Misamis Occidental, in May by unidentified gunmen who stole numerous valuable articles; CHR is investigating. In another case, Catholic priest Dionisio Malalay and lay person Rufino Rivera were shot in April in Tabina, Zamboanga del Sur, allegedly by a former PC member and his cousin; the case is being tried in a civilian court in Zamboanga del Sur.

During 1989 only one prominent case of politically motivated killing resulted in conviction. Alan Climaco, who shot human rights attorney Alfonso A. Surigao in Cebu in June 1988, was convicted of murder in March, sentenced to life imprisonment, and is currently serving the sentence. The Justice Secretary in October ordered that murder charges be filed against Major Rico Palcuto, a constabulary officer identified by Climaco as the mastermind of the killing.

In a prominent case that underlines the great difficulties of the Government in convicting offenders, a military court in July claimed insufficient evidence in acquitting the nearly two dozen soldiers accused of murder in a widely publicized 1987 incident in Lupao, Nueva Ecija, in which Philippine Army soldiers shot 17 civilians following a reported NPA ambush. Survivors identified four of the accused, but the military court gave greater weight to the testimony of two defendants who claimed that soldiers from a reinforcement unit (not among the defendants) killed the civilians. In 1987 the Government had said this case would be the first test of Philippine justice under the new administration. Two military prosecutors reportedly protested the court's decision to the AFP Chief of Staff. Military investigation of the incident continues.

b. Disappearance

Philippine law permits holding suspects in serious cases for up to 36 hours without formal charges. In some cases, citizens have been taken into custody by government authorities and held incommunicado for several days before being released or charged.

Although some Philippine human rights groups continue to claim that disappearances are increasing, both CHR and TFD statistics show that fewer disappearances were reported in 1989 than in 1988. Between January and June 1989, the CHR central office received complaints concerning 41 missing persons, compared to 80 complaints in 1988. According to TFD, 60 persons were reported missing from January 1 to November 14, 1989, compared with 141 complaints in 1988. TFD believes that military officers or anti-Communist groups were responsible for these incidents, and that the missing persons may have been killed.

There is credible evidence that rightwing groups, possibly with collusion by some military personnel, have been involved in a number of disappearances. For example, two social

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workers, Nona Santa Clara and Angelina Llenaresas of the Ecumenical Council for Research and Development, were abducted in April in Naga City, Camarines Sur, and taken away in a military-type jeep. The whereabouts of the women are unknown.

The discovery of mass NPA graves in Laguna, Albay, Quezon, Bataan, and Zamboanga del Sur, combined with reported internal NPA purges, challenged the assumption that all disappearances of leftist political personalities were the work of rightwing vigilantes or rogue military or police personnel. For example, the disappearances of Lilian Mercado and Efren Bonagua of the Bagong Alyansang Makabayan (Bayan) and Pearl Abaya of the Philippine Alliance of Human Rights Advocates (PAHRA) in November 1988 were originally blamed on the military. Indications now are that the three were taken into custody by the NPA for interrogation on suspicion of being government spies. Abaya and Bonagua are reportedly alive but in hiding, while Mercado's status is unknown.

The Government has strongly condemned politically motivated disappearances. President Aquino in December 1988 designated city and provincial government prosecutors as "human rights coordinators" who are to assist families in searching for missing relatives in military camps and detention centers.

Hostage-taking by rebels and armed criminal gangs for ransom and/or publicity is fairly common. According to newspaper accounts, a barangay captain and a constabulary soldier in Oriental Mindoro were abducted in January and held 59 days by the NPA before being "acquitted" by a kangaroo court. A ransom of \$46,000 was asked for 10 nuns and church workers abducted in February in Lanao del Sur, but negotiations led to their release without ransom. A constabulary soldier was detained by rebels in Camarines Sur for 40 days before his release was negotiated in April. Also in April, the NPA captured a group of hikers in Mindanao and released most of them immediately, but held four of the group captive for 9 days. An Iloilo radio station owner kidnaped in September was freed more than 2 months later after his family reportedly paid a ransom of \$552,000. In October in Lanao del Sur, Muslim rebels held hostage the President of Dansalan University, his wife and grandchild, and 12 national power corporation executives. In October government forces seized a 1987 document allegedly written by CPP/NPA leader Jose Maria Sison, in which he suggested that each of the 59 guerrilla fronts abduct and indefinitely detain 10 political leaders and military officers, to compel recognition of the movement.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and makes evidence obtained thereby inadmissible in court, but reports that torture is employed persist. Guidelines issued by CHR in May 1988 direct all law enforcement agencies and military elements to avoid unnecessary force in investigation, arrest, detention, interrogation, and other related activities.

The CHR central office received complaints of torture or maltreatment of 44 people from January to June 1989. TFD claimed to have documented 312 cases of torture from January 1 to November 14, 1989, compared to 784 cases in 1988. For TFD to accept a complaint, a complainant need only assert that government investigators used some coercion, such as the threat of violence.

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Juanito Itaas, an NPA member, allegedly involved in the April killing of Colonel Rowe, claimed in September that the military extracted his confession through torture; government officials deny the charge. Michael Tupas claimed he was tortured while detained in Bacolod, Negros Occidental in June, but CHR's investigation is stymied by his inability to identify his captors. Cornelio Salway, a former NPA member who voluntarily surrendered in February to military forces in South Cotabato, claims he was maltreated while in protective custody; the military investigation found no basis for the claim. American citizen Glen Doughty said in October that he was beaten and had water poured into his nose after the PC arrested him in Oriental Mindoro. Authorities stated that they suspect Doughty is the NPA hitman who killed two policemen in Metro Manila in 1985. (Doughty's claim of U.S. citizenship was originally doubted by the PC since he has a Filipino mother and speaks English with a Filipino accent.)

There have also been reports of torture by the NPA, in many cases associated with the 1988-89 internal purge described earlier. Three NPA members testified in June before a congressional committee that they were dragged in chains, deprived of food, and beaten for months because their comrades suspected them of being government infiltrators. Other abuses, including suspension by the wrists and suffocation, have also been reported, although in these cases, too, conclusive proof is lacking.

Although physical punishment is prohibited by law in the Philippine penal system, it occurs frequently in jails and prisons. Prison conditions are harsh, charges of brutality are commonplace, and violence often flares. Inmates at the Davao Penal Colony took prison visitors hostage in April and August to demand transfer to a more humane facility. Sixteen prisoners and five hostages, including an Australian missionary, were killed by the inmates or by security forces that stormed the prison. The AFP, CHR, and committees of the Philippine Congress have been investigating the Davao Penal Colony killings and examining allegations that police used excessive force.

CHR in 1989 began a Visitorial Service Program to respond to complaints of torture or mistreatment of prisoners and to monitor prison conditions. CHR visited 305 jails nationwide in the first 10 months of 1989 and reported that some remedial actions had already been taken in response to its efforts.

d. Arbitrary Arrest, Detention, or Exile

The 1987 Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and also prohibits holding prisoners incommunicado or in secret places of detention. Nonetheless, there continue to be abuses. Detainees have the right to a judicial review of the legality of detention and, except for offenses punishable by a life sentence, to bail.

CHR prescribed guidelines in 1988 on visitation rights of detainees and on the conduct of investigations, arrests, detentions, and related operations by government authorities. The guidelines direct all law enforcement agencies, commanders, and all units under their command to avoid unnecessary force and to follow the rules of court and National Police Commission policies on arrests and investigations. However, human rights groups continue to

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receive complaints of abuses. The CHR central office received complaints that 54 people were illegally arrested or detained in the first half of 1989. CHR actively investigated these reports and assisted in the release of 48 persons during the same period. TFD claims 1,739 persons were improperly arrested from January 1 to November 14, 1989. Many were detained for a few hours as the result of mass arrests during army sweeps of areas harboring suspected rebels, and most of these were released within the time limits prescribed by law. Statistics from both CHR and TFD on illegal arrest and detention in 1989 show a decline of approximately 30 percent from the comparable period in 1988.

In one incident, Catholic Priest Benjamin Alforque was detained for several hours on the evening of April 25 as part of the investigation of Col. Rowe's murder. The military reportedly questioned Alforque about his visit to a CPP safehouse, but Alforque claims that he was detained because of an article he wrote criticizing the military.

The military has been criticized for not fully complying with the law when handling suspected insurgents. Suspected Communist insurgents sometimes are held and interrogated for several days without legal proceedings. When CPP/NPA leaders Satur Ocampo and Carolina Malay were arrested in July, they were charged initially with firearms possession in furtherance of rebellion, a nonbailable offense, and were allowed visitation and lawyers. The Government does not recommend bail for senior CPP/NPA members on the grounds that release would be a clear and present danger to the community and that bail would not be adequate to ensure their appearance at trial.

In order better to abide by constitutional and legal prerequisites, the AFP has sought to file charges against known CPP/NPA leaders in advance so that they can be held legally if caught. These charges include murder, kidnapping, physical injury, robbery, extortion, grave threats, and arson. The AFP has offered monetary rewards for the capture of rebels against whom it has filed charges.

Philippine authorities rarely use internal or foreign exile for political purposes. However, former President Marcos (now deceased), his immediate family, and some of his associates were barred from return. The Government suspects these persons of conspiring with political and military opposition elements within the Philippines to destabilize the country. In a September 15 decision, the Supreme Court upheld the Marcoses' exile, citing the duty of the President to balance the general welfare against the exercise of individual rights.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution calls for an independent judiciary and provides that those accused of crimes shall be informed of charges against them and shall have the right to counsel. Trials in the Philippines are public; defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal their convictions. The right of defendants to a lawyer is generally respected in the larger metropolitan areas, but less frequently honored in the provinces, where lawyers are often unavailable.

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The weakest link in the prevention of human rights abuses is the failure to prosecute and convict those accused of violations. A major element of that failure is the strong imperative of the military to protect its own members. Under the authority of a Marcos-era presidential decree, military courts continue to have jurisdiction over servicemen accused of human rights violations. Some human rights groups charge that military courts protect servicemen rather than render an impartial verdict. President Aquino has waived military jurisdiction in only a few cases. A bill to remove nonservice-related offenses from court-martial jurisdiction was approved by Congress and sent to the President shortly before the December coup attempt. Following the attempted coup and on the advice of military leaders, the President vetoed the bill.

Ethical and legal lapses in the administration of justice are common, ranging from attorneys' use of dilatory tactics to corruption among some judges and prosecutors. Defendants routinely pay off police and court officials. The conviction rate for criminal offenses is very low. For example, only 3 to 5 percent of drug cases in civilian courts result in convictions, a fact attributed by informed sources to bribery of police and judicial officials and to the use of political influence.

Prosecution is often stymied by witnesses who are unwilling to testify because they fear reprisals. To address the problem, CHR has a limited witness protection program in place, and Congress is considering legislation to establish a more comprehensive program.

Delays in completing trials present another serious problem. Traditionally, trials have been noncontinuous, generally scheduled at monthly intervals, and often last for years. Those charged with crimes who cannot afford bail languish in jail until their trials are completed. Of 14,245 inmates held nationwide in June, 12,552 had not yet been convicted or sentenced, according to press reports of prison statistics. A prominent example of delay of justice is the Benigno Aquino murder trial, which began in February 1987 and will likely continue into 1991. Now nearly 3 years into the trial, the defense has yet to begin its case.

President Aquino has made reform of the justice system a key goal of her administration. In recent speeches, she has frequently criticized the slow delivery of justice and the unequal treatment of rich and poor. In August she took the extraordinary step of placing top officials in the Department of Justice on probation for failing to address the problems in the criminal justice system. A test program for completing trials within 90 days was extended to 1,200 of the nation's 1,600 courts. Prosecutors are now required to complete pretrial investigations of crimes within 120 days. Prosecutors who do not meet these time standards have had their pay withheld. In the first half of 1989, prosecutors reportedly received 25,000 new complaints while disposing of 38,000 cases. Despite this positive trend, a backlog of tens of thousands of cases exists. The Government has disciplined several inept or corrupt prosecutors. Judicial vacancies are now being filled more promptly, with the exception of lower level trial courts in the outlying regions which fail to attract qualified candidates.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, search warrants may be issued by a judge on a finding of probable cause. Restrictions on search and seizure are generally observed. The Government does not interfere in family life or the right of parents to raise their children. The Government does not interfere with free personal use of the mails or other public communication systems, except upon issuance of a court order during the course of an investigation.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

AFP efforts during 1989 to counter Communist insurgent activities (ambushes, extortion, etc.) had a major impact on civilian populations. In an effort to "dismantle" NPA political bases at the barangay level, the AFP has displaced large numbers of civilians in several provinces of Mindanao and on the Visayan island of Negros. The Government made efforts to provide food and medical supplies, but sanitation conditions were often poor and the dislocations compounded the already severe health problems among the poverty-stricken civilians. The Government's Department of Social Welfare and Development (DSWD) reported 188,000 affected persons from January 1 to December 27 and an additional 30,000 affected by the December coup attempt. DSWD provided relief services to 187,000 people during the year. The Ecumenical Movement for Justice and Peace (EMJP) reported that 130,000 people were displaced from January to September 1989. Information from DSWD and EMJP shows that more than half of the people displaced were in Mindanao.

In Southern Negros, an estimated 35,000 civilians were evacuated from their homes in the spring and moved to temporary refugee shelters. The Philippine National Red Cross (PNRC) ran the shelters, and the International Committee of the Red Cross (ICRC) was allowed free access. More than 90 children, already weakened by malnutrition and the process of evacuation, reportedly died of measles, pneumonia, and other causes while at the refugee shelters.

In Aklan on the island of Panay, TFD and EMJP sponsored a factfinding mission in August. They reported that 215 families left 9 villages due to military or NPA orders or fear for personal safety. The report also stated that curfews were in effect, that the military restricted food shipments based on the number of family members to deny food to the NPA, and that local citizens were required to carry residence certificates signed by the military commander.

There were occasional reports of indiscriminate strafing of civilians in villages suspected of supporting the rebels. In one incident in Quezon early in the year, 142 families reportedly left their homes after they were strafed. Allegedly, the AFP suspected they were supplying food to the rebels. The AFP lacked adequate medical resources to treat its own casualties, and wounded rebels were generally treated after wounded soldiers. There was no evidence, however, that they were systematically denied medical care when supplies were available. The Philippines is a party to Protocol II of the Geneva Convention, which governs the conduct of forces in an internal conflict.

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The provision of medical care in rebel-controlled areas was a contentious issue in 1989. The Medical Action Group (MAG), a private organization which seeks to provide health care to victims of human rights violations and the urban and rural poor and which is alleged to be closely associated with the CPP, protested Executive Order (E.O.) 212 which required that treatment of rebels be reported to the Government's Department of Health. MAG reported that in September Dr. Antonio Principe was arrested in Davao City for violating E.O. 212, and 11 health workers, including two Dutch nurses, were briefly detained in Samar. The military suspected the health workers of treating NPA rebels.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Restrictions on freedom of expression were virtually all lifted in February 1986. The daily press which emerged is lively and highly competitive. There are some 30 daily newspapers in Manila and many more in the provinces. In all, about 1.4 million newspapers are sold each day around the country. Newspapers cover the political spectrum and do not hesitate to criticize the Government. CPP publications are illegal but circulate clandestinely, and Communist views are expressed in other media. Journalists have been able without penalty to meet and interview antigovernment rebels, including military mutineers and Communists. During the early December coup attempt, the Government closed three radio stations for broadcasting rebel propaganda.

Radio and television are important news sources in the Philippines. There are 338 licensed radio stations. An estimated 82 percent of all households have radios. Four million television sets bring programming to 40 percent of Philippine families. In Metropolitan Manila, approximately 90 percent of the households have radios or televisions. Most provincial television stations are affiliates of the five Manila channels. Like the press, radio and television stations report views across a wide political spectrum.

Radio station owners and managers have complained about NPA efforts to intimidate them into broadcasting Communist propaganda. Several radio facilities and transmitters have been damaged by insurgents. In some areas, military personnel are stationed at transmitter sites to protect them. Stations that have broadcast material provided by the NPA have been warned informally by local military authorities that they face the risk of being closed down if they continue. Nonetheless, during 1989 no newspapers, radios, or television stations were closed by the Government for publishing or broadcasting Communist propaganda. Although the Government sequestered assets of some media organizations owned or controlled by close associates of the late President Marcos, there is no evidence in those cases of intent to control opinion, as opposed to monetary assets.

Publications from abroad are not censored. Foreign journalists are able to report freely and generally move about the country, even in areas under rebel control. Major foreign newspapers and television networks have bureaus in Manila. Human rights groups have registered a few complaints about harassment of journalists. For example, in an incident at a funeral in March for an alleged Communist rebel, the military roughly handled and briefly detained 10 newsmen. In May a

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journalist in Masbate claimed that the provincial commander forced him to eat a page of his newspaper after he had written a critical article. Such harassment is not frequent or systematic.

Libel suits may discourage some journalists from commenting on sensitive topics, but the judiciary generally favors the press in such cases. When the Far Eastern Economic Review (FEER) was sued in February for describing a businessman's activities as environmentally destructive, the judge made an unusual decision impounding copies of the review but reversed himself within a few days. The lawsuit was decided in FEER's favor.

Critics have charged that the Movie and Television Classification Board (MTCB), whose mandate is to monitor films and television programs for pornographic content, has occasionally stifled political expression. However, no complaints were registered in 1989. The mandate of the MTCB is questioned by many as a violation of free speech and freedom of artistic expression, but it is likely to remain unchanged because of strong public support for its role in controlling distribution of pornography.

Academic freedom is respected in theory and practice. Approximately 1.5 million students are enrolled in the nation's 78 state colleges and universities and 1,000 private schools and colleges. The Government does not censor subject matter in classes, university publications, or conferences.

b. Freedom of Peaceful Assembly and Association

Permits from local authorities are required for outdoor demonstrations in public places and are routinely issued. Nevertheless, rallies and marches are often held without permits. Manila area police were reportedly ordered in July not to disperse peaceful rallies as long as they do not disturb public order. Occasionally, however, police dispersed crowds which had assembled without having first secured permits and arrested demonstrators for illegal assembly or public disturbance. Typically, those arrested were quickly released and not brought to trial. Exceptions to the record of generally peaceful demonstrations have been recent protests in front of the U.S. Embassy by student and labor organizations with ties to the CPP. In September police used tear gas to disperse over a thousand demonstrators and briefly detained a number of people during the visit of Vice President Quayle.

A broad range of private, professional, religious, social, charitable, and political organizations flourishes in the Philippines. Organizations are permitted to affiliate with recognized international bodies in their fields. The Communist Party of the Philippines is outlawed because it advocates the violent overthrow of the Government, but nonviolent Marxist parties are legal.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion. Freedom of religion is fully respected, and no official discrimination is practiced against any religious group or its members. Although over 80 percent of the population is Roman Catholic, the country's sizable Muslim minority, Protestant churches, indigenous Iglesia Ni

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Kristo, Aglipay Church, and other sects enjoy full religious freedom. Foreign clergymen and missionaries of many faiths practice their profession freely.

Religious minorities are represented among the leadership and rank and file of broad-based political parties. Government service is open to all on a nondiscriminatory basis, and there are senior civil and military officials who belong to minority religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Filipinos enjoy unhampered freedom to change their place of residence and employment within the Philippines. They regularly travel and work abroad. Movement within the country is generally unimpeded, although the military and rebel groups sometimes erect roadblocks in areas where they are conducting operations. Routine constabulary checkpoints were discontinued during the year.

The right to emigrate from the Philippines is unrestricted. Citizens also have the right to return, although there have been a few exceptions in cases which the Government said affected national security. In 1988 the Government revoked the passport of Jose Maria Sison, the founder of the outlawed CPP, while he was living in Europe raising funds for the Communist movement. As noted in Section 1.d., the Government prevented the return to the Philippines of the late President Marcos, his immediate family, and some of his associates.

Although the Philippine Government does not accept refugees for internal resettlement, it has made a significant contribution by providing first asylum for 9,200 Indochinese boat people in Palawan and permitting the United Nations to operate a major processing center for 16,000 refugees in Bataan Province. Approximately 25,000 refugees passed through these facilities in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution ratified in 1987 returned the Philippines to the presidential system of government similar to that which was in existence from 1946 to 1972. The Constitution establishes a bicameral legislature and an independent judiciary as checks on executive power. Presidential authority to declare martial law is curtailed. The Constitution calls for the creation of autonomous regions for Muslims in the southern Philippines and for minority groups in the Cordillera (mountainous region) of northern Luzon.

The Philippines has a multiparty political system, based on secret ballots and free elections. Filipinos are free to organize political parties as long as they do not seek to overthrow the Government by force. Political parties have traditionally been weak, nonideological alliances of convenience. President Aquino herself has refused to join a political party. Democratic opposition to the Government is widely tolerated. In the House of Representatives, a single progovernment party enjoys a 75-percent majority. The 23-member Senate is divided among 4 different parties and independents. Most legislation is initiated by members of Congress themselves, and debate is lively. Government-sponsored legislation is often criticized, amended, or

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defeated. The majority of provincial and city officials, elected in 1988, are members of progovernment political parties. Presidential, congressional, provincial, and municipal elections are scheduled for 1992.

The Aquino Government took the final step toward full restoration of elected officials at all levels in March when it held elections for leaders in all but a handful of the country's 41,000 barangays. An electorate of 29 million chose nearly 287,000 Barangay officials from among 1 million candidates. Relatively limited preelection violence and a few reported isolated clashes with NPA elements in scattered parts of the country occurred during the campaign. The new barangay officials will serve until 1994.

The voting age in the Philippines is 18. There are few restrictions on suffrage.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Representatives of international human rights groups are free to travel in the Philippines and investigate alleged abuses. Resident delegates of the ICRC monitor prison conditions and assist persons displaced by conflict. Government representatives discuss human rights problems with outside governmental and nongovernmental organizations, and President Aquino and CHR routinely meet with those who visit. CHR held meetings with seven international delegations in the first 10 months of 1989.

The Philippine Government welcomes international sponsorship of human rights programs. The U.N. Center for Human Rights, along with CHR and other Philippine groups, sponsored a 3-day national seminar-workshop on human rights training in August. The ICRC, together with CHR and Department of National Defense/AFP, held a course for military trainers (interrupted by the coup attempt but completed afterward) on human rights and international humanitarian law.

CHR considers human rights violations based on international inquiries and referrals from nongovernmental organizations as well as complaints filed locally by or on behalf of victims. CHR has a total staff of 600, including a "quick reaction" team in Manila, branch offices in each of the country's 12 regions, and provincial offices in areas where reports of human rights violations warrant. When a complaint is filed, CHR conducts an investigation, gathering evidence and testimony from the complainant and the accused. In the first 10 months of 1989, CHR completed investigation of 874 cases, and provided financial assistance to 174 individual victims or their families and to 30,000 evacuees from one community. If CHR determines that a prima facie case has been made, it refers the case to the appropriate agency for prosecution and monitors the results. CHR lawyers would gain prosecutory powers under legislation now being considered in Congress. CHR referred 70 cases for prosecution and 28 for administrative action in the first 10 months of 1989. CHR representatives regularly participate in fact-finding missions and jail visits with nongovernmental organizations (NGO's) and other governmental agencies.

Philippine NGO's are active in the human rights field. These groups are generally unhindered in conducting investigations

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around the country and are routinely able to obtain safe-conduct letters from DND. Local military and civilian officials have reportedly been uncooperative in some instances. According to the Government, investigations by these NGO's frequently do not produce enough evidence to make the necessary prima facie case.

The best known local human rights NGO is TFD, established by the Association of Major Religious Superiors in the Philippines in 1974. Headquartered in Manila with branch offices throughout the Philippines, TFD collects information on alleged human rights violations and publishes statistics on a quarterly basis of abuses it attributes to government forces. TFD is an outspoken critic of the Government's response to human rights violations, and some allege that it is strongly influenced by the CPP. There is little cooperation between TFD and CHR.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women enjoy most of the same legal rights as men. However, Philippine law and custom continue to discriminate against women. This includes a limitation on their right to buy and sell property. The House of Representatives approved legislation in September allowing a woman to enter into contracts without her husband's consent; the bill is now under consideration in the Senate.

Women are prominent in Philippine society and well represented in Government, business and professions, such as law, medicine, education, and journalism. Women in the bottom 30 percent of society suffer particular hardship. Many of the women have no opportunities except work as low-paid domestic employees or prostitutes. Violence against women such as wife beating is occasionally reported. There are no reliable statistics on the extent to which this occurs, but women are often reluctant to report and police to "interfere" in what many see as a domestic matter. Criminal law prohibits violence against women. To address the problems of women, the Government is implementing its 1989-92 Philippine Development Plan for Women. As part of this plan, President Aquino signed legislation in May to strengthen measures prohibiting discrimination against women workers with respect to promotion, training, study, and remuneration for work of equal value.

Muslim Filipinos on the southern island of Mindanao and the adjacent Sulu archipelago constitute 5 percent of the Filipino population. They comprise several tribes such as the Tausugs, Maranao, and Maguindanao, each with its own language and customs. They hold public office at the local and national levels and are employed in government positions. Two of the 23 senators and several Congressmen are Muslims, and several Muslims serve as ambassadors. However, informal discrimination against Filipino Muslims persists. Philippine culture--with its emphasis on tribal and regional loyalties--creates informal barriers when access to jobs or resources is provided first to those of one's own group. Another factor is that many Muslims prefer to educate their children in Muslim schools, which has deprived them of the skills required to advance in some occupations. One observer estimated that only 10 Muslims graduate from the Philippine Military Academy annually, and noted that only 1 Muslim has reached general or flag officer rank.

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President Aquino is committed to a peaceful resolution of the long-simmering Muslim rebellion and to redressing the historical neglect of the south. In August she signed legislation allowing 9 cities and 13 provinces in the south to join an autonomous region through a plebiscite. The law respects Muslim rights to ancestral lands, requires the establishment of Muslim Shari'a laws and court system, and decentralizes government authority in several different areas. A wing of the Moro National Liberation Front objects to the establishment of an autonomous region on any basis other than the 1976 Tripoli Agreement. In the plebiscite held November 19, only 4 out of 13 provinces and none of the 9 cities voted to become part of the autonomous region.

Several million Filipinos belong to other non-Christian and non-Muslim groups. They are most numerous in the Cordillera of northern Luzon and in Mindanao. Modernization has reduced their traditional isolation. Logging and mining have damaged many of the ancestral lands of these tribal groups, and lowland farmers have expanded into their areas. The cultural minorities have not always been afforded equal legal protection. The Government's offices of Northern and Southern Cultural Communities are responsible for protecting the interests of these groups. Members of tribal groups have been elected to the Congress and local government offices. Congress passed legislation in 1989 authorizing the creation of an autonomous region in the Cordillera of northern Luzon. A plebiscite will be held in early 1990.

Section 6 Worker Rights

a. The Right of Association

The right of workers, including public employees, to join trade unions is assured by the Constitution and legislation, and is freely practiced without government interference. About 10 percent of the nation's employed work force of approximately 23 million workers is organized into over 3,700 trade unions, not including the 2.8 million workers who are members of the National Congress of Farmers Organization (NCFO). Most of the trade unions belong to relatively small federations which are members of two larger trade union groupings, the largest of which is the Trade Union Congress of the Philippines (TUCP), an affiliate of the International Confederation of Free Trade Unions (ICFTU).

The second largest trade union grouping is the leftist KMU (Kilusang Mayo Uno, or May First Movement) which is heavily infiltrated and influenced by the CPP. Three much smaller trade union groupings are affiliates of the Communist-controlled World Federation of Trade Unions (WFTU). The Federation of Free Workers (FFW) is a member of the World Confederation of Labor (WCL).

Strikes are legal, including in Export Processing Zones (EPZ's), and they take place frequently. The rate of unionization, the number of collective bargaining agreements, and the legal minimum wage in the EPZ's is akin to that prevailing in the rest of the country. The Aquino administration pursues legal efforts to resolve disputes and has rejected calls for "no-strike laws" despite the disincentive that strikes pose to needed investment. On the local level, there have been several cases of violence provoked by unions or management. Sometimes the police or military have been called in to break up illegal strike

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barricades, and on several occasions their attempts to enforce the law have resulted in violent clashes with strikers. (See Section 1.a. regarding reported killings of labor leaders.)

The 1987 Constitution and E.O. 180 guarantee government employees the right to form unions and bargain collectively. E.O. 180 provides for a disputes settlement body. The right to strike and the status of employees in government-owned industries, however, have not yet been clarified. As of December 1989, there were 121 unions in the public sector with 66,000 members. An extensive strike action carried out in July-August by public sector workers and teachers was not suppressed by the Government.

b. The Right to Organize and Bargain Collectively

Labor's right to organize and bargain collectively is provided for in law and strongly supported by the Government. These rights were expanded and strengthened by the passage of the Labor Law Reform Act of 1989, which balances the need for greater stability in labor relations with full respect for worker rights. Since President Aquino took office, the number of collective bargaining agreements in force has increased from 3,112 to 3,941. In the same period, the number of registered unions increased by 7.8 percent.

It is an unfair labor practice to dismiss a union official or a worker who is trying to organize a union. Nevertheless, employers sometimes attempt to intimidate workers by threats of firing or closure. There is a history of industrial relations violence in the Philippines which has worsened as a consequence of the insurgency and counterinsurgency. Politicized unionists have been threatened, beaten, and killed. The CPP/NPA, rival unionists, and hired gunmen have all been implicated in such violence, as have civilian defense groups and elements of the military.

In February and November 1989, the Committee on Freedom of Association of the International Labor Organization (ILO) considered "serious allegations" of military or paramilitary repression of members of the National Federation of Sugar Workers (a KMU-member union which is affiliated with the International Union of Food and Allied Workers' Association or IUF) in Negros Occidental province between 1986 and 1989. The allegations include violent murders (including those of a member of the KMU's national executive committee in Davao in 1988 and of a Nestle plant union leader in 1989), woundings, disappearances, torture, arbitrary arrests, and detentions, general repression of the KMU, and also include charges that the 1989 Labor Law Reform Act was intended to "contain labor militancy." The allegations were contained in complaints presented in one case by the IUF, and, jointly by the KMU and the WFTU in another case. The Government responded that some of the allegations of human rights violations were still being investigated and described the machinery for accomplishing this, indicated that one arrest cited in the complaint was for seditious activity, and cited some cases where the killings are believed to be the result of interunion rivalry. The Committee deplored antiunion violence, urged the Philippine Government to do all in its power to curb criminality by members of the police and armed forces and to dismantle the vigilante groups, and asked the Government to respond to the allegations which it had not yet answered. It was left to the ILO's Committee of Experts to consider in 1990 whether the new Philippine labor law remedied previous defects.

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CHR has also examined the alleged repression of NFSW workers and leaders, but there has been no prosecution due to insufficient evidence.

The Government is actively encouraging dialogue among the military, labor, and community leaders on the worker rights/human rights situation. CHR, together with the Asian-American Free Labor Institute under a special grant from the U.S. Agency for International Development, is sponsoring a series of conferences/workshops on trade unions and human rights. The objective is to establish local human rights committees composed of unionists from every labor center plus the independents and representatives of government, military, police, and the community. The participants focus on methods of resolving problems and improving communications among themselves. Four such conferences were held in various regions of the country in 1989. A fifth conference planned for Manila was postponed until early 1990 as a result of the coup attempt. KMU has so far chosen not to participate in the workshops.

The Department of Labor and Employment (DOLE), through the National Labor Relations Commission, has a quasi-judicial system of hearing and adjudicating workers' claims. It is usually slow, but no slower than other elements of the courts and the bureaucracy. With DOLE's emphasis on mediation and conciliation, the National Conciliation and Mediation Board has helped reduce the high number of illegal work stoppages.

Labor legislation is applied uniformly throughout the country, including in the export processing zones.

c. Prohibition of Compulsory or Forced Labor

The Philippines has ratified ILO Convention 105 which prohibits forced labor. This Convention has the full force of law in the Philippines. There are no reports of forced labor being practiced.

d. Minimum Age for Employment of Children

The Constitution prohibits employment of children below age 15, except under the responsibility of parents or guardians and then only if the work does not interfere with schooling. It allows employment for those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor, but provides that in no case may persons under 18 years of age be employed in hazardous or deleterious work.

The most serious violations of child labor laws occur in piecework or contracting out of embroidery and other garment-related production. Congressional and public attention has focused on the use of children in an ecologically damaging and dangerous form of fishing. The Aquino administration has made a serious effort to investigate and reduce violations of child labor laws outside of the agricultural sector, but these efforts are hampered by the limited resources of the Department of Labor and Employment.

e. Acceptable Conditions of Work

The minimum wage in nonagricultural enterprises is \$4.22 per day. The agribusiness minimum is \$3.75 per day. Despite the minimum wage laws, substantial numbers of workers (mostly

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laborers, janitors, messengers, drivers, and clerk-typists) earn less than the law stipulates. The average wage of workers in large cities is close to the minimum wage, and in the industrial sector the average wage is considerably above it. In rural areas, wages often fall below the minimum wage. The minimum wage works out to a monthly equivalent that is below the poverty threshold figure established by the Government, which is based on the minimum income required by a family of six persons. By this measure, while there has been improvement since 1985 when 59 percent of families were below the poverty level, the situation remains serious. In 1988 nearly one-half of all families were still below the poverty line.

The standard workweek is 48 hours. The law mandates a full day of rest weekly. Employees with more than 1 year on the job are entitled to 5 days of paid leave.

A comprehensive set of occupational safety and health standards is in effect, and the standards for protecting workers against hazards of the workplace and harmful substances are relatively advanced. However, enforcement of minimum wage and health and safety regulations is severely hampered by having too few professional labor inspectors. Nonetheless, compliance with health and safety rules is an official priority, and regular inspections take place.

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Singapore, a city-state of about 2.6 million people, has a republican form of government based on the Westminster parliamentary system. The majority (75 percent) of the population is ethnic Chinese, with Malays (15 percent) and Indians (7 percent) constituting substantial minorities.

Politics have been dominated by the People's Action Party (PAP), headed by Prime Minister Lee Kuan Yew, which has held power since Singapore gained autonomy from Great Britain in 1959. Thirty years of political stability and economic success have provided a continuing source of popular political support to the PAP. In the September 1988 general election, the PAP received 61.9 percent of the popular vote and won 80 of the 81 parliamentary seats.

The Government maintains active internal security and military forces to counter perceived threats to the nation's security. The Internal Security Department (ISD) is responsible for enforcement of the Internal Security Act (ISA), including its provisions for detention without trial.

Singapore's economic system is one of the most open in the world and it is marked by impressive economic gains--gross domestic product (GDP) grew by 9.1 percent in the first half of 1989. Singaporeans enjoy the third highest per capita income in Asia (after Japan and oil-rich Brunei).

The major human rights issues in Singapore continue to be detentions without trial under the ISA, mistreatment of detainees, and restrictions on press freedom. Through the ISA and other laws, the Government has broad powers to interfere with privacy and to restrict freedom of assembly and of movement. In practice, however, it rarely invokes its draconian authority.

In January Parliament amended both the Constitution and the ISA so as virtually to eliminate both judicial review of detention orders and appeals of ISA cases to the Privy Council (a panel of senior jurists in London which hears cases on appeal from many Commonwealth countries). These amendments were designed to reassert the interpretation of the law accepted until a December 1988 ruling by the Singapore Appeals Court which ordered the release of four ISA detainees. Over the course of 1989, six ISA detainees, including one who had been held for more than 22 years, were released subject to restrictive conditions on their movements and associations. Two persons are still detained under that law.

The Appeals Court upheld in June a government restriction on the circulation of a foreign journal for "engaging in domestic politics," and in January a prominent government opponent was disqualified from holding a "nonconstituency" seat in Parliament as a result of his conviction in absentia on tax evasion charges.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known instances of politically motivated killing.

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b. Disappearance

There is no evidence of abduction, secret arrests, or of clandestine detentions that were not subsequently acknowledged by the Government. Opposition elements did not engage in such activities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture is prohibited by law under sections 330 and 331 of the Penal Code and government leaders have stated that they oppose its use, credible reports of mistreatment continued to surface.

Vincent Cheng, a detainee held under the ISA, stated in an affidavit made for a September habeas corpus hearing that following his detention in May 1987 he had been placed in an extremely cold room, deprived of sleep, subjected to prolonged interrogation, and physically assaulted by an ISD officer. His affidavit also said that statements he signed for the ISD at that time were written under coercion and intimidation. The Government in turn provided affidavits from the accused SD officers denying that Cheng had been assaulted or forced to sign any statement.

The allegations are similar to those made in 1988 by nine others detained in May 1987 and later released. Eight of the nine were redetained in April 1988 after they made a public statement alleging that they were mistreated and denying allegations of involvement in a Marxist conspiracy. A week later the Government released sworn statements made by five of those redetained which stated that they had not been mistreated at any time while in detention. Human rights groups contend that these statements were also written under duress and coercion.

The Government continued to assert that torture is not practiced in Singapore, but one Cabinet Minister publicly acknowledged that "psychological pressure" is used. The Government has answered charges of mistreatment by noting that persons have the right to bring charges against those in the Government who are alleged to have committed such criminal acts. Human rights groups note, however, that few persons would be willing to accept the possible risks of reprisal involved in lodging such complaints. A complaint was filed with the police in April 1988 alleging mistreatment of one detainee during the 1987 detention. To date there has been no public record of any investigation into this complaint.

The Penal Code mandates caning in addition to imprisonment as punishment for certain offenses, including rape, theft, robbery, extortion, housebreaking, and vehicle theft. The courts routinely order caning for convictions for these offenses. As of March, illegal aliens are subject to the same punishment (see Section 6.e.).

d. Arbitrary Arrest, Detention, or Exile

Arrest without warrant and detention without trial are legally permitted in some instances. Arrest without warrant is authorized under section 43 of the Criminal Law (Temporary Provisions) Act and sections 8 and 65 of the ISA. Detention without trial is authorized under sections 8 and 74 of the ISA. The Criminal Law (Temporary Provisions) Act is used

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almost exclusively in cases involving narcotics and secret criminal societies. Central Narcotics Bureau (CNB) officers and customs officials may arrest without warrant any person suspected of manufacturing, importing, exporting, possessing, consuming, or trafficking in controlled drugs under the Misuse of Drugs Act. The Director of the CNB can commit suspected drug users to a 6-month term in a drug rehabilitation center in cases of positive urinalysis tests. Suspects have a legal right to challenge the finding through the court system. There is a functioning system of bail for criminal cases, and those charged in both criminal and security cases are entitled to legal counsel.

Section 8 of the ISA permits the Minister of Home Affairs to order detention if the President determines that the person poses a threat to national security. The President may authorize detention for up to 2 years. After 2 years, the President must redetermine whether the detainee should be held, and may so order for up to 2 more years. There is no limitation on the number of times a detention order may be renewed. A detainee's case is reviewed periodically by an advisory board, to which the detainee may make representations. The board can make nonbinding recommendations that a detainee be released prior to expiration of the detention order. According to the Government, persons are released when the Minister for Law and Home Affairs determines they no longer pose a threat to national security and are unlikely to resume subversive activity. The Minister may also revoke the order of release. Under section 74 of the ISA, police may detain a person for up to 48 hours; the Minister of Home Affairs can then order the detainee to be held for up to 28 days longer. ISA detainees are normally allowed access to lawyers and visits by relatives once initial interrogation has been completed (after 7 and 10 days respectively in the cases of the 1987 and 1988 ISA detainees).

On January 16 Parliament approved amendments to both the Constitution and the ISA which eliminated any judicial review of the objective grounds for detentions made under the ISA. These amendments came in response to a December 1988 ruling of the Appeals Court ordering the release of four ISA detainees, in which a judge opined that preventive detention was not a subjective matter resting solely upon the judgment of the executive and accordingly was open to judicial review.

The constitutional amendment prevents the courts from reviewing the constitutionality of any law passed by Parliament to prevent subversion and allows such statutes to restrict, or even eliminate, judicial review in cases of alleged subversion. This amendment became valid retroactively, making it applicable to the detainees who benefited from the December 1988 ruling. Using the power bestowed by the constitutional amendment, the amendment to the ISA stated that "there shall be no judicial review in any court of any act done or decision made by the President under the provisions of this act save in regard to any question relating to compliance with any procedural requirement of this act."

These amendments subordinate the fundamental liberties provided for by the Singapore Constitution to the actions taken by the executive in national security cases. Critics argue that the amendments are outside the rule of law inherent in any constitution based on the Westminster model. A high

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court judge rejected this latter argument on April 25 in ruling on a motion for writ of habeas corpus for Teo Soh Lung.

Six ISA detainees were released in 1989, leaving only Vincent Cheng and Teo Soh Lung in preventive detention. Those released have had restrictions placed on their right to travel, to make public statements, and to associate with former detainees.

Three of those redetained in April 1988 were released on March 11, 1989. Eight days earlier they had withdrawn motions for writs of habeas corpus, just days before the motions were to be heard in the high court. In Parliament, it was suggested that this indicates the Government offered to release them sooner if they dropped their legal cases. The Minister for Law and Home Affairs responded saying this suggestion was totally untrue. Teo Soh Lung, who filed for a writ together with the other three and did not withdraw the motion, is still being held (the lone police complaint alleging ill-treatment was filed in her case). In his September 1989 habeas corpus hearing, Vincent Cheng stated in his affidavit that he was told in May 1987 he would be held for only a year but "was repeatedly threatened with prolonged detention should any representations be made or legal proceedings be commenced," and that after he filed to start proceedings in March 1989 an ISD officer asked him whether he intended to show by this that he was not rehabilitated.

The Government denies that it pressures detainees by threatening to prolong their imprisonment. But when asked in court if some detainees have been punished not for what they have done, but for what others might do in the future, Singapore's Prime Minister said that the way in which the Government responds "to pressure either by habeas corpus proceedings, or by human rights groups, or by demonstrators, or by church agitation decides whether or not others might follow in the footsteps of those already detained."

Chia Thye Poh, a former Member of Parliament (M.P.) who had been in preventive detention under the ISA since 1966, was conditionally released on May 17. He was sent to a small island adjacent to Singapore, from which he cannot leave without permission from the ISD. The Government said that the Communist Party of Malaya (CPM) organization with which Chia was allegedly linked, allegations which the Government never attempted to prove in court, "has now been weakened and disrupted enough that his release . . . will not be a security problem." Chia has consistently denied any ties to the CPM.

According to the Government, 1,228 persons were in detention under the Criminal Law (Temporary Provisions) Act as of August 15. Sixty percent of these were being held on narcotics-related charges; the remaining 40 percent are held on secret society and other criminal charges.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Singapore judiciary system is based on the British model. There are two levels of courts: the Supreme Court, which includes the High Court and the Appellate Courts, and the subordinate courts. In normal cases, the Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the

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magistrate. The accused has the right to be represented by an attorney (advocate). Trial is by judge rather than by jury.

Persons detained under the ISA and the Criminal Law (Temporary Provisions) Act are not entitled to a public trial, which is accorded in all other cases. Currently two persons are imprisoned under the ISA (see Section 1.d.).

At the discretion of the courts, Commonwealth Queen's Counsels (QC) are allowed to argue cases in Singapore. Following a habeas corpus hearing in March, however, the Government barred the QC who had been representing ISA detainee Teo Soh Lung from further appearances in local courts. The Government contended that he had involved himself in Singapore's domestic politics by championing his client's cause outside of the courtroom. It focused on comments he had made to a closed seminar in London. The QC charged that the Government's action gave "a clear message to the local legal profession to keep off the grass." Commenting on the Government's action, the British Government said it would have a negative impact on Singapore's reputation for respect of the law.

In April Parliament greatly restricted appeals to the judicial committee of the Privy Council in London. This made Singapore's appellate courts the final courts of appeal in most cases. Critics point out that this reduces the value of an appeal, since a group of only nine justices man both the High Court and the Appellate Courts. An independent Court of Appeals has been proposed, but opponents argue that there is insufficient legal talent in Singapore to staff such a court.

Judges are appointed by the President on the recommendation of the Prime Minister in consultation with the Chief Justice. Subordinate court judges (magistrates) and public prosecutors are civil servants and can be transferred from the judiciary to government service. In Parliament the Minister for Law and Home Affairs has admitted that an unscrupulous government could "pack the courts" to pursue political ends. In arguing that judicial review was not an effective way to prevent abuse of the Government's discretionary powers, he pointed out that "under our system there is no limit to the number of judges who can be appointed."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government uses its wide discretionary powers when it believes that the security of the nation is threatened. In most cases, search warrants are required for intrusion into the home. Law enforcement officers may, however, search a person, home, or property without a warrant if they decide there are grounds to do so. In ISA cases, warrantless searches are common. Warrantless searches can also be made under the Criminal Law (Temporary Provisions) Act, which is said mostly to deal with drug- and secret society-related offenses. Judicial review of such searches can be undertaken by the courts at the request of the defendant but is not automatic. Divisions of the Government's law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board (CPIB), have wide networks for gathering information. There are credible allegations that the authorities monitor telephone and other private conversations.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution permits official restrictions on the freedom of expression. In practice, freedom of speech and press is circumscribed, and the Government forbids statements which it thinks might arouse tensions among the various races or might threaten national security or public order. Inflammatory discussion of race, religion, and language is officially forbidden.

Newspapers are published by private firms with close ties to the national leadership. While there is no direct censorship of the press, editors have acknowledged there are restraints, such as the Newspaper and Printing Presses Act. A leading Singapore journalist, in a November public statement, described the local press as one working in tandem with the Government. "Newspapers," he wrote, "pedal along with the Government in the direction set by the political leadership."

The Government brought charges in 1988 against Chiam See Tong, an opposition M.P., alleging that his party printed unauthorized editions of the party's newspaper. He was acquitted but the judge gave the prosecution the option of amending the charges. On October 21 the Government relented and told the court it would not proceed with the case.

A wide range of international magazines and newspapers can be purchased uncensored in Singapore, although newspapers printed in Malaysia are not circulated. Under the Newspaper and Printing Press Act, the Government may restrict the sales and distribution of foreign publications deemed to have "engaged" in Singapore's domestic politics. The Government interprets the statute as giving it the right to impose such restrictions whenever a foreign publication fails to publish in full any government reply to the publication's coverage of Singapore.

The Government has restricted the circulation of the Asian Wall Street Journal (AWSJ) and the Far Eastern Economic Review (FEER) since 1987. The former did not comply with the requirement to publish government letters in full, while the Government accused the latter of a negative slant in its reporting on Singapore. On November 30, a High Court judge held that FEER had libeled the Prime Minister in a December 1987 article and awarded him \$115,000 in damages. In December the Government applied for a contempt of court citation against the AWSJ because of its report on this verdict. On June 1, the Appeals Court dismissed an AWSJ lawsuit against the Government which asserted that the circulation restriction was illegal. In its decision giving a definition of "engaging in domestic politics," the Court said, "it is simply involving oneself in some matter, in this case the domestic politics of Singapore, where such involvement is neither solicited nor welcomed by those who are concerned with or affected by such matters." The judges added that domestic politics included "the political, social, and economic policies of the Government."

The Government has not allowed the FEER or the AWSJ to post correspondents in Singapore since 1987. It refused to grant visas to FEER and AWSJ correspondents to come to Singapore to cover Vice President Quayle's visit in May and to a FEER correspondent coming to cover the libel suit in September. In October and November, the Government refused to extend the

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work permit of the Associated Press/Dow Jones correspondent, and refused to issue a visa to a new correspondent. Dow Jones is the parent company of FEER and AWSJ.

The government-owned Singapore Broadcasting Corporation (SBC) has a monopoly on domestic radio and television broadcasting and follows government guidelines similar to those pertaining to local print media. Television broadcasts from Malaysia and radio broadcasts from Malaysia and Indonesia can be received uncensored in Singapore; the British Broadcasting Corporation World Service also broadcasts locally on the FM band. An official board of film censors approves motion pictures, as well as video cassettes, and television programs. Other government bodies censor other media; such censorship is aimed at material which the Government believes would undermine morals, advocate excessive permissiveness, promote drug abuse, or increase social tension. Literature and films featuring explicit sexual or drug-related themes are banned.

The members of the faculties at Singapore institutions of higher education are government employees. A number of university lecturers are concurrently PAP M.P.'s. Oral and written criticism of government policies occasionally occurs on campus, but criticism of government leaders and alleged authoritarian tendencies is infrequent.

b. Freedom of Peaceful Assembly and Association

Assemblies of more than five people in public, including political meetings and rallies, must have police permission. However, the Government does not stop social gatherings regardless of the number present.

Associations, societies, clubs, churches, and other organizations with more than 10 members must be registered with the Government under the Societies Act. The Government denies registration to societies believed likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order. (See Section 3 regarding criticism by opposition groups of the Government's discretionary power in this area.)

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and usually respected in practice. However, all religious groups are subject to government scrutiny and must be legally registered. The Government restricts some religious sects by application of the Societies Act and has banned others. A Presidential Council on Minority Rights exists to ensure that legislation does not infringe upon the rights of ethnic or religious minorities. There is no state religion. The Government has provided financial assistance to build and maintain mosques. There is no religious test for employment with the Government or for membership in the PAP. Missionaries are permitted to work and to publish religious texts.

The Government draws a sharp distinction between purely religious activities and social activism flowing from religious beliefs. Both remaining ISA detainees were arrested in part because of alleged political activities while serving on Catholic social work committees. The Government announced

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in October that it will introduce legislation to penalize religious groups which engage in political activity.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Significant limitations on freedom of movement within the country may be imposed under the ISA. The ISA allows the Minister for Law and Home Affairs to suspend or revoke a detention order or impose restrictions on activities, place of residence, and travel outside of Singapore. All Singapore residents over the age of 13 are required to register with the Government, receive and carry an identification card, and report changes of address within 14 days. A person may be denied a passport at the Government's discretion, although in practice this applies only to those convicted of a serious crime. Males approaching the age of 18 (when national service is generally performed) must obtain an exit permit from the Ministry of Defense before traveling abroad. Each recipient of government-financed higher educational benefits must sign a bond obligation to serve the Government for a fixed period and may not cease employment or emigrate within the prescribed period without paying the balance of his or her bond.

The right of voluntary repatriation is extended to holders of Singaporean passports. In 1985 Parliament provided for the loss of citizenship by Singaporeans who reside outside Singapore for more than 10 years consecutively. Action under this law is discretionary and has been taken in at least one case involving a well-known government opponent.

Singapore does not offer first asylum to refugees. Government policy permits Vietnamese refugees rescued at sea to disembark and remain for up to 90 days only if Singapore is the rescuing vessel's next scheduled port of call and if a resettlement country provides a resettlement guarantee. The Government has agreed, in principle, to permit the United Nations High Commissioner for Refugees (UNHCR) to screen such persons in accordance with the Comprehensive Plan of Action adopted in Geneva at the June 1989 International Conference on Indochinese Refugees. However, refugees must still depart Singapore within 90 days. To date, no screening has taken place because no country has agreed to accept those who would be screened out.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Singaporeans have the ability peacefully to change their government, but the Government has used its extensive powers to place formidable obstacles in the path of would-be opponents. Voting is compulsory. Parliamentary elections are held at least every 5 years. It is generally accepted that the voting and vote-counting system is fair, accurate, and free from tampering. While the mechanics of elections have been honest and devoid of manipulation, human rights groups contend that the overall election process has not been free and fair.

Lee Kuan Yew has served as Prime Minister since 1959. Lee heads the PAP, a broadly based institution and the dominant political party in Singapore. It includes representatives from all racial communities in Singapore and is rooted in neighborhood, youth, and labor associations. The PAP currently holds 80 of the 81 popularly elected seats in

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Parliament, with the Singapore Democratic Party (SDP) holding the remaining seat. Two Worker's Party (WP) candidates, the highest vote-getters among losing opposition candidates in the September 1988 elections, accepted "Non-Constituency M.P." (NCMP) seats which allow them to participate in debate but not to vote on many issues.

While opposition parties have contested every election, none has been able seriously to challenge the PAP since the late 1960's. A variety of reasons are given for this. One reason is performance. Under the leadership of the PAP, Singapore has achieved rapid economic growth, enabling the Government to provide a wide array of public services. Political parties, while legally free to organize, are subject to strict regulations on party constitution, fund raising, and accountability. The PAP attributes the lack of effective opposition to disorganization, lack of leadership, and lack of alternative policy programs. However, critics add that the Government's exercise of broad discretionary powers through arbitrary detentions and criminal prosecutions, control of the media, and restrictions on the right of assembly have vitiated opposition efforts by hindering the formation of associations or organizations that could provide a basis of support for opposition parties.

Francis Seow, one of the two candidates who accepted an NCMP position, lost his seat before Parliament's first session as a result of a December 1988 conviction for tax evasion. At the time of his conviction, Seow was in the United States, undergoing medical treatment. He was not represented in court by legal counsel when the court convicted him on five of six charges. The sixth charge, which involves a possible prison sentence, has been adjourned pending his arrest. On February 15, the prosecution revealed to the court that government-hired investigators had followed Seow in the United States for more than 7 weeks, and contended that Seow was deceiving the court about his medical condition. On May 22, a district judge issued an arrest warrant on the grounds that Seow had deliberately stayed away from his tax evasion trial. Seow has accepted a fellowship at Yale University and has not returned to Singapore.

Pointing to the extraordinary measures taken by the Government to prosecute Seow, the case against the SDP M.P. (see Section 2.a.), and the controversial 1986 conviction which cost a former Worker's Party M.P. his seat in Parliament--a result described as "a grievous injustice" by the Privy Council in November 1988--critics charge that the Government uses judicial process to harass opposition politicians. The Government denies that its criminal investigations are politically motivated.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Governmental bodies, such as the presidentially appointed Minority Rights Council, monitor alleged violations of minority rights, primarily any concerning the Malay minority. There are, however, no nongovernmental organizations which actively and openly monitor alleged human rights violations, a situation that human rights observers attribute to fear of government retaliation, a fear fueled by the jailing in 1988 of those who publicly claimed mistreatment and of lawyers who represented them. Amnesty International is not allowed to

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operate in Singapore. Observers from foreign human rights groups have attended the habeas corpus hearings of ISA detainees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Because of Singapore's history of intercommunal tension, the Government takes affirmative measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural facilities are available to all citizens regardless of race, religion, or sex. Minorities are constitutionally afforded equal rights and actively participate in the political process. The Singapore Constitution acknowledges the "special position" of Malays as the indigenous people of Singapore, and charges the Government to support and promote their "political, educational, religious, economic, social, and cultural interests." While precise statistics are not readily available, government officials acknowledge that Malay Singaporeans are represented disproportionately in the bottom quarter of Singapore's economy.

Women have the same rights as men in employment, education, childcare and custody, and in the running of a household, but do not have equal rights with men in the transmission of citizenship to their children or in the right to residence of a foreign spouse in Singapore. Muslim women's rights are protected by the provisions of the 1957 administration of Muslim law, which permits Muslim women to apply for divorce and to hold and dispose of property. Women can vote and hold any public office.

There is no evidence of any widespread practice of violence or abuse against women. Singapore's laws protect women against domestic violence and against sexual or physical harassment. Domestic violence can be dealt with under either the penal code or the women's charter. Through the latter, a battered wife can obtain court orders barring the spouse from the home until the court is satisfied that he will stop his aggressive behavior. The penal code prescribes mandatory caning and a minimum imprisonment of 2 years from conviction on a charge of outraging modesty so as to cause the victim fear of death or injury. Commenting on these laws, a local women's group has stated that this "legislative recognition of the problem of domestic violence and the need to protect battered women is important in that it reinforces the principle of the husband-wife relationship and seeks to restore the respect and dignity to the victim of violence in the home."

Section 6 Worker Rights

a. The Right of Association

Singapore's Constitution gives all citizens the right to form associations, including trade unions. Parliament may, however, impose restrictions based on security, public order, or morality. The right of association is delimited by the Societies Act and labor and education laws and regulations. In practice, Communist labor unions are not permitted. The Trades Union Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions--such as prohibitions on the unionization of uniformed employees and the holding of union office by persons with criminal records.

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The National Trades Union Congress (NTUC) is a member of the International Confederation of Free Trade Unions (ICFTU); the Asian and Pacific Regional Organization (APRO) of the ICFTU has its headquarters in Singapore. Singapore is a member of the International Labor Organization (ILO) and has ratified ILO Convention 98 on the Right to Organize and Bargain Collectively but has not ratified Convention 87 on Freedom of Association.

The national work force comprises about 1.2 million workers, of whom some 210,000 are organized into 89 trade unions. Some 70 of these, which represent about 98 percent of the unionized workers, are affiliated with the NTUC, an umbrella organization, which has a close relationship to the Government. Several unions have been founded outside of the NTUC, including ones for the catering staff and pilots of Singapore Airlines and for Chinese-language teachers.

The Second Deputy Prime Minister, a PAP member, serves as NTUC Secretary General, and several PAP M.P.'s are NTUC officials. These close ties have led to charges that the NTUC defends the interests of the Government and of the PAP just as much as the interests of the workers. NTUC policy, for example, prohibits unionists who actively support opposition parties from holding office in affiliated unions. NTUC officials maintain that the two organizations are separate but share the same ideology, and that workers benefit from the close ties.

Workers have the legal right to strike but rarely do so--the most recent strike took place in 1986. Reasons given include a cultural aversion to confrontation and concern about maintaining Singapore's reputation with investors.

b. The Right to Organize and Bargain Collectively

Collective bargaining is a normal part of management-labor relations particularly in the manufacturing sector. On the average, collective bargaining agreements are renewed every 2 to 3 years.

A National Wages Council (NWC) brings business, labor, and government representatives together to establish guidelines for annual wage packages. Those who argue that the NWC fairly accommodates the interests of all concerned parties note that wage increases in the 1980's have exceeded gross domestic product growth. Collective agreements negotiated between labor and management generally follow the wage guidelines issued annually by the NWC. In 1988, for the first time, the NWC issued its guidelines in the form of qualitative recommendations rather than the quantitative form used before. The NWC found that both employers and workers reacted favorably to a more flexible approach which allows management to reward workers for performance and sacrifices made during bad times, yet allows those in sectors experiencing downturns to let wages reflect the circumstances.

In 1989 the ILO's Committee of Experts (COE) recognized that a 1988 law removed a previously existing prohibition on the negotiation of annual wage supplements but retained this restriction under certain circumstances. The COE also noted certain issues, such as promotion and transfer, and dismissal without notice of employees, are excluded by law from collective bargaining, and that the Industrial Arbitration Court has the power to refuse to register the collective agreements of newly established enterprises when the

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conditions of employment they afford are more favorable than those set forth by law. The Government countered that the Court has never refused to register a collective agreement.

Section 80 of the Industrial Relations Act makes it an offense to discriminate against anyone who "is or proposes" to become a member or an officer of a trade union. The offense is punishable by a \$1,000 fine and/or a 12-month prison sentence.

Labor laws and regulations are enforced uniformly. There are no export processing zones in Singapore.

c. Prohibition of Forced or Compulsory Labor

Singapore law forbids the use of forced or compulsory labor, and such labor is not found in Singapore.

d. Minimum Age for Employment of Children

The Government enforces the Employment Act which sets the minimum age for the employment of children at age 12. Children under age 14 are not allowed to work in any "industrial undertaking." Industrial employers must notify the Ministry of Labor within 30 days of hiring a child between the ages of 14 to 16. Ministry of Labor regulations prohibit night employment of children and restrict industrial work to no more than 7 hours a day. Children cannot work on commercial vessels, with any live electrical apparatus lacking effective insulation, or in any underground job.

e. Acceptable Conditions of Work

The Singapore labor market offers relatively high wages and working conditions consistent with accepted international standards. Singapore, however, has no minimum wage or unemployment compensation. Because of a continuing labor shortage, wages have generally stayed high, and unemployment below 3 percent. In 1989 the Government continued implementation of a flexible wage program wherein labor and management in private firms agree to set bonuses based on a company's annual performance. Because of Singapore's booming economy in 1989 and the consequent high demand for labor, the "flexi wage" system has not resulted in a loss of real income for workers. The standard legal workweek under the Employment Act (Section 38) is 44 hours.

The Government enforces comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, have reduced the frequency of job-related accidents by a third over the past decade. The average severity of occupational accidents has also been reduced.

Because of the domestic labor shortage, more than 150,000 foreign workers are employed legally in Singapore. Most are unskilled laborers and household servants. The Government controls the numbers of foreign workers directly through immigration regulations and indirectly through levies on firms hiring foreign workers. Social insurance and safety regulations are applied without discrimination against foreign workers. Foreign workers face no legal wage discrimination; however, they are concentrated in low-wage, low-skill jobs. Some foreign workers are members of labor unions, particularly NTUC shipbuilding and construction unions.

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The Government acknowledged the problem of illegal aliens working in Singapore by passing a law in March imposing a caning penalty on aliens who overstay in Singapore by more than 90 days. Parliament has passed a law to impose a caning sentence on businessmen who employ more than 5 workers illegally. An estimated 12,000 illegal aliens took advantage of an amnesty period offered by the Government to leave the country before the bill began to be enforced. The Government has not yet executed the punishment prescribed under the new law.

SOLOMON ISLANDS

Over 300,000 people occupy Solomon Islands, an archipelago stretching over 840 miles in the South Pacific and the second largest (after Papua New Guinea) of the Melanesian countries. Its government is based on a modified Westminster parliamentary system consisting of a single-chamber legislative assembly of 38 members. This system, adopted when the country became independent in 1978, accords with both Solomon Islands' experience and the Melanesian tradition of leadership based upon individual achievement and political consensus. Political legitimacy rests on direct election by secret ballot.

A police force of around 500 men is under civilian control. There are no other armed forces. The courts are independent and vigorously protect individual rights. There have been three general elections since independence; the most recent one in February 1989 resulted in the first one-party government since independence.

Agriculture is the mainstay of the economy. About 85 percent of the population engages to some extent in subsistence production, obtaining food by root-gardening and fishing, and has little involvement in the cash economy. In 1989 Solomon Islands still faced a long-term decline in the terms of trade, substantial domestic and external deficits, an increasing foreign trade imbalance, and higher debt service costs. Poor economic performance was exacerbated by a population growth rate of about 3.5 percent, which ensured continued pressures on public and private resources.

All basic individual rights are provided for in the Constitution, implemented by the authorities, and defended by the courts. There is a constitutionally provided Ombudsman to look into and provide protection against improper or unlawful administrative treatment. No human rights abuses were reported in 1989.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

Political and other extrajudicial killing has not occurred.

b. Disappearance

There were no reports of political disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law and not practiced.

d. Arbitrary Arrest, Detention, or Exile

There is no evidence of politically motivated arrests. Exile is not practiced.

With regard to forced or compulsory labor, see Section 6.c.

SOLOMON ISLANDS

e. Denial of Fair Public Trial

The judicial system is a blend of British and traditional systems. There is a high court plus magistrates' courts. Accused persons are entitled to counsel. Provision is made for writs of habeas corpus under the law. Coerced statements are illegal. Violations of civil liberties are punishable by fines and jail sentences.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In addition to legal provisions, the traditional culture provides strong protection against these types of abuses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions, an independent press, and a functioning democratic political system combine to ensure freedom of speech and press. There are two private weekly newspapers, weekly and monthly national government newsletters, and one provincial government weekly. The state-owned radio gives significant coverage to statements of opposition politicians. The new Prime Minister conducted press conferences with local journalists on a weekly basis.

b. Freedom of Peaceful Assembly and Association

The right of association is provided for in the Constitution and freely exercised. Demonstrators must obtain a permit, but permits have never been denied on political grounds.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is guaranteed by law, there are no controls on the practice of religion, and there is no religious discrimination. Although Christianity is the predominant religion and a wide variety of Christian denominations are represented, indigenous beliefs also continue to be practiced without restriction. Missionaries work without restrictions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal or administrative restrictions on freedom of movement of Solomon Islands' citizens within or out of the country. Natural-born citizens may not be deprived of citizenship on any grounds.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since independence, Solomon Islands has had three parliamentary elections (the most recent in early 1989), and several elections for provincial and local councils. Besides the general elections, three additional changes of government were accomplished by votes of Parliament. Suffrage is universal over the age of 18.

SOLOMON ISLANDS

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

There were no allegations by outside organizations of human rights violations in Solomon Islands nor any request for investigations. There are no local organizations that monitor and report on human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no discrimination on the basis of race, religion, language, or social status. Following his election in 1989, the new Prime Minister announced a policy prohibiting the employment of Freemasons in the Civil Service. Indigenous Solomon Islanders are favored over naturalized citizens in the matter of land ownership.

The law accords women equal legal rights, but the traditional society, where males are dominant and women are seen in customary family roles, has hampered them from taking more active roles in economic and political life. A shortage of employment opportunities throughout the country has inhibited the entry of women into the work force.

While actual statistical data are scarce, incidents of wife beating and abuse appear to be common. In the rare cases that are reported, charges are often dropped by the women before their court appearance. Police are reluctant to interfere in what they perceive as domestic disputes. In addition, many of the laws benefiting women are in the British tradition and are viewed by many Solomon Islanders as "foreign laws" not reflective of the customs and traditions of Solomon Islands. The magistrate courts deal with physical abuse of women on the basis of inherent common law powers and deal with it as they would any other assault.

The government-supported National Council of Women is actively involved in trying to improve the position of women in society. Among other things, the Council is working to familiarize women with a proposed amendment to the Affiliation, Maintenance, and Separation Law which would guarantee that women who bring cases to court be protected against harassment from husbands or members of their husbands' families, both at home and in places of employment, and would guarantee women's right to child support and compensation. In 1989 the Council also undertook workshops and programs to train women in various skills, to enhance their self-confidence, and to strengthen their participation in the political and economic life of Solomon Islands.

Section 6 Worker Rights

a. The Right of Association

Solomon Islands' law recognizes the right of workers to organize, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. Only private sector unions have the right to strike--a right which has often been exercised. However, a 4-month strike by publicly paid teachers was successful in gaining wage concessions. The small percentage of workers actually involved in the wage economy means that

SOLOMON ISLANDS

there is an ample supply of replacement workers for employers to draw on if disputes are not resolved quickly.

Solomon Islands joined the International Labor Organization (ILO) in 1984, but has not yet ratified ILO Convention 87 on Freedom of Association and Protection of the Right to Organize or Convention 98 on the Right to Organize and Collective Bargaining. Solomon Islands' unions are free to affiliate internationally and the largest trade union, the Solomon Islands National Union of Workers, is affiliated with the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The Solomon Islands' National Union of Workers and other smaller unions freely organize workers. Unions exist and are active in both the public and private sector. The Trade Disputes Council exists to arbitrate between unions and employers. Workers are protected against antiunion activity, and there are no areas where union activity is officially discouraged. There are no economic incentive zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law, except as part of a court sentence or order, and this prohibition is observed.

d. Minimum Age for Employment of Children

Solomon Islands has comprehensive laws on worker rights. Child labor is forbidden for children under the age of 12 except in the company of parents in light agricultural or domestic work. Children under 15 are barred from work in industry or on ships; those under 18 cannot work underground or in mines.

e. Acceptable Conditions of Work

Power to set minimum wages lies with the provincial governments. At the present time, in Honiara and provincial government stations, it is about 32 cents per hour. While small, this provides an adequate standard of living within the local context when supplemented by the subsistence farming and fishing practiced by most families. As noted above, most of the population is engaged in subsistence labor, and as there is high unemployment and underemployment, workers are readily available at this wage.

Labor laws regulate premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and limited to 6 days weekly. There are provisions for premium pay for overtime and holiday work as well as provisions for maternity leaves. Both an active labor movement and an independent judiciary ensure widespread enforcement of labor laws in major state and private enterprises. The extent to which the law is enforced in smaller establishments and in the subsistence sector is unclear. The Workmen's Compensation Act and subsidiary legislation make provisions for compensation to workmen injured at work. No data are available about health and safety standards.

THAILAND

Thailand is a constitutional monarchy with a strong executive branch, an elected house of representatives, and an appointed senate. The civilian bureaucracy and the military play strong roles in political life. The monarch exerts strong informal influence. The Prime Minister and members of his Cabinet are subject to votes of confidence by the House, but need not be elected members of Parliament. The present Government, a six-party coalition headed by General (retired) Chatichai Choonhavan, an elected member of Parliament, took office following free national elections in July 1988.

Thailand's security services operate within a constitutional framework reflecting the strong executive branch orientation of the Government. They have wide-ranging powers which they sometimes utilize in an uneven way. The Government does not sanction human rights abuses by the security services and has taken steps to ameliorate those abuses that do occur. Residual Communist insurgent and Muslim separatist groups use terrorism to advance their respective aims. The Government has made notable progress in reducing the influence of these groups, but sporadic low-level violence continues in the south.

An emerging, middle-income, developing country, Thailand has a free enterprise economic system. Individual economic interests and the right to hold private property are strongly protected. While the industrial sector is expanding rapidly, over 60 percent of the Thai people still live in the countryside, and agriculture remains the main source of livelihood.

Thailand's citizens enjoy a wide range of civil and political liberties. Autonomous political parties, gatherings, and associations are allowed. The domestic press practices self-censorship, particularly in regard to the monarchy and military, and occasionally receives official warnings about reports unfavorable to the Government. Issues of the international press are sometimes banned. Despite this, there remains a wide measure of press freedom. Human rights activists in Thailand are able to bring issues to the attention of the Government and public, and they lobby successfully for corrective action.

Over the years, Thailand has provided first asylum to over a million persons fleeing the Indo-Chinese states. In 1989 it recommitted itself to providing temporary refuge to all Vietnamese and Lao asylum seekers. The Government also agreed to initiate refugee screening for Vietnamese asylum seekers which would ensure the integrity and fairness of final decisions on the refugee status of each person. It also agreed to permit the United Nations High Commissioner for Refugees (UNHCR) early access to all new arrivals and continued access following the determination of their status. Thailand undertook these commitments in June 1989 when it endorsed the Comprehensive Plan of Action (CPA) for Indo-Chinese refugees in Geneva. Thailand also continues to cooperate fully with the international community in providing assistance to the more than 300,000 displaced Cambodians located in camps along the Thai-Cambodian border.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Allegations of government involvement in political killings are rare. In predominantly Muslim areas of south Thailand where separatist groups are active, however, security forces sometimes shoot first and ask questions later. On December 31, 1988, a contingent of Thai Marines mistakenly opened fire on a group of Thai Muslim defense force volunteers in a village in Narathiwat province, killing four of the volunteers. The Government promised to discipline the Marines if an investigation showed they had acted improperly. but by year's end no results had been announced. While the results of the investigation were not made public, members of the Muslim community professed satisfaction with the Government's response.

Communist insurgents and ethnic separatists continued to use violence, including murder, in pursuit of their objectives. Their targets have included low-level officials, as well as police and security forces. In 1989 Muslim separatists primarily attacked civilians, targeting places of entertainment and businesses, often in support of extortion efforts.

The number of journalists killed in rural areas has diminished sharply in recent years. Nevertheless, a journalist was slain in Samut Sakhon province in June. The press reported that police believed the journalist may have been killed because of his reporting on local business. In previous years, some murdered journalists had exposed corruption or illegal activity. Others apparently had engaged in blackmail or extortion and were killed in retaliation.

In previous years, senior Thai officials have been quoted in the press as acknowledging that police executions of habitual, serious, criminal offenders without due process occasionally occurs, particularly in southern Thailand, the area with the nation's highest crime rate.

b. Disappearance

There were no reports of abduction or kidnaping attributed to government forces in 1989. Communist insurgents and Muslim separatists sometimes use abduction of civilians and government officials as a political weapon. In October a Muslim separatist group kidnaped a public school teacher in Yala province and held her until the Government released the arrested wife of a separatist leader.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Thailand's criminal code forbids the use of cruel, inhuman, or degrading treatment or punishment, and the Government maintains that it is opposed to such treatment or punishment. However, there also continued to be many credible reports of police beatings of prisoners and detainees. A Thai human rights organization announced in August that it had compiled at least 132 instances of injury and 27 deaths between 1983 and 1988 as a result of police brutality, most often during

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interrogations. In July the Bangkok police commissioner set up a committee to investigate charges that two officers of the juvenile welfare division had beaten a 14-year-old boy arrested for sniffing paint thinner. Also in July, a man filed a complaint alleging six policemen tortured him with an electric baton following his arrest on fraud charges. In August a Bangkok policeman was photographed by journalists standing on the chest of a deranged man who had attempted suicide by jumping off a house. The police suspended the officer and launched an investigation into the conduct of two others who were on the scene. Witnesses alleged the three officers had been drinking before the incident.

Human rights advocates charge that offending policemen often try to cover up abuses by offering payoffs to victims or their families. Nevertheless, charges of police misconduct appear freely in the press, and victims, often assisted by human rights activists, have successfully won redress for documented abuses in the courts. However, few police or security officials are ever convicted for such abuses, and even when convictions occur penalties are so light that they do not serve as an effective deterrent.

In recent years, international attention has focused on reports of torture, murder, and rape of Khmer residing in displaced persons camps by Thai paramilitary forces charged with providing security for the camps. Since the formation of the Displaced Persons Protective Unit (DPPU) by the Government in June 1988, violent incidents and abuse by security forces have been "virtually eliminated" according to the International Committee of the Red Cross.

The major complaints by camp residents about degrading and abusive treatment now concern acts committed by Khmer against other Khmer. The principal camp where such violations have been reported is Site Two, where more than 140,000 Khmer reside at close quarters. Up to 90 incidents of violence were reported monthly in the Khmer camps in 1989, resulting in fewer than 10 deaths per month. Suicide attempts also remain relatively high.

The civilian population in camps controlled by the forces of Democratic Kampuchea (DK) are another area of concern. While conditions in the U.N.-assisted camps under DK control are not markedly worse than those in other U.N.-assisted camps along the border, thousands of civilians live in areas inaccessible to the international community. Forced movement of the population is relatively frequent, often resulting in exposure to military risks such as shelling and land mines. Discipline in Khmer Rouge camps is alleged to be harsh and excessive by many voluntary and international agencies who have interviewed former camp residents.

d. Arbitrary Arrest, Detention, or Exile

Thailand's criminal and civil codes follow Western European models, and the rights of suspects are similar to those in Western Europe. Except in cases of crimes in progress, arrest warrants generally are required, and specific charges must be brought against those detained within a limited time period. There is a functioning bail system. Reports of arbitrary arrest are infrequent.

A small number of Communist insurgents and Muslim separatists remain detained without trial by order of the Prime Minister

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under martial law provisions. Although these provisions were eased significantly in 1984 and most of those originally detained under these provisions have since been released, some 20 remain in detention. Currently, the only legal basis for arrest and detention without specific charges for long periods (up to 480 days) is the Anti-Communist Activities Act. No arrests under this Act were made in 1989, and the Cabinet voted to consider repealing the Act and replacing it with a new internal security law. Additionally, the Government dropped 3 cases involving 12 persons arrested in 1984, 1986, and 1987 under the provisions of an amnesty law passed by the Parliament in July.

Thailand does not use exile for political control. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution grants citizens the presumption of innocence and access to courts or administrative bodies to seek redress. Suspects can be denied the right to legal counsel during the pretrial or investigative period of their cases, but before trial they have access to a lawyer of their own choosing.

The legal system provides for trial by judges rather than jury. Cases are heard by a panel of judges on the basis of specific charges, usually well documented. Persons tried in both military and ordinary criminal courts enjoy a broad range of legal rights, including the right to counsel both in the trial and appellate stages, but a serious flaw in providing due process rights is the lack of appeal from decisions of a military court. Since 1984, the jurisdiction of military courts has been limited to cases involving military personnel. Most prisoners benefit from periodic amnesties reducing the length of sentences, and any prisoner may apply for a royal pardon. The courts are relatively independent of external pressures. There have been allegations, however, of government and private influence on certain cases, often those involving narcotics. A pilot government program to provide free legal advice to the poor continues. Most free legal aid, however, comes from private groups, including the Lawyer's Association and the Women Lawyers' Association.

In 1988 eight persons, allegedly involved in printing and/or distributing defamatory leaflets, were arrested for defaming the royal family (lese majeste). Three of the eight were convicted and sentenced in November 1988; two to 3 1/2 years and one to 4 1/2 years. As the trials were held in camera, details are not available. No arrests for defaming the monarchy occurred in 1989.

Twenty to 30 persons originally detained under the Anti-Communist Activities Act but later convicted of criminal offenses did not come under the terms of the 1989 amnesty and remain imprisoned. The Government disputes human rights advocates' categorization of all of these persons as political prisoners, pointing out that some were convicted of such charges as robbery and murder. Human rights groups maintain that at least some of these prisoners were tried on trumped up charges. Eighteen to 20 Muslim separatists remained imprisoned in 1989 on charges including extortion, unlawful weapons possession, and murder. Some of them face consecutive sentences totaling 200 to 300 years. Human rights advocates note that such long sentences violate Thai legal norms.

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Fourteen members of a self-styled "revolutionary council" were arrested in 1989 under sedition charges after they published documents announcing the dissolution of the Parliament and the establishment of a "revolutionary" regime. At preliminary hearings in July, all 14 pleaded not guilty. Only two of the members of the group succeeded in raising funds for bail. As of December, the other 10 remained in jail.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Thai society is essentially an open one where membership in political organizations is voluntary, and the police function is seldom abused for security or political purposes. The unmonitored exchange of ideas generally is permitted, although those espousing leftist or controversial views are probably watched by the security services. Thai law requires that police possess a search warrant prior to entering a home without the owner's consent. There are allegations that officers sometimes endorse warrants in advance and then allow their noncommissioned subordinates to apply them as needed. Sections of the Anti-Communist Activities Act allow officials involved in specifically designated "Communist suppression operations" to conduct searches without warrants, but these powers have been used sparingly.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution affirms citizens' rights to free speech and a free press, but there are laws which restrict those rights. The principal legal restrictions on these freedoms are prohibitions against insulting or defaming the King, Queen, heir apparent, or Regent (lese majeste), advocating a Communist system of government, or publishing materials which threaten national security or insult religion. Thai citizens enjoy substantial freedom of speech in other respects, and the Government permits criticism of its policies. However, criticism is not entirely without risks, and prominent critics occasionally have been the targets of violence by mysterious assailants.

Television and radio stations are licensed by the Government and operated by the Government, the army, and private entities as commercial enterprises. Although the Government's Broadcasting Directing Board in theory reviews all television programs prior to broadcast, in practice most programs are not prescreened, and stations present a range of viewpoints. In September 1989, however, the Board decided not to allow broadcast of a feature program on the Vietnam war on the grounds that the program supported the ideology of the Communist Vietnamese Government and would be beneficial for Thai Communists. Radio stations are required to carry a government-produced newscast four times daily but are free to originate other news and commentary. Opinions critical of government positions have been broadcast but, in general, controversial issues are treated cautiously, if at all.

While international publications generally circulated freely, in November the Government briefly banned sale and distribution of "The Asian Wall Street Journal" for having published an article deemed insulting to Thailand's senior Buddhist monk. The ban, which was lifted following an appeal by the Journal's editor, came under the 1941 Press Law

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empowering the chief of police to prohibit the import of printed matter dangerous to public order and morals. Earlier, the Government used the same law to ban temporarily import of the South China Morning Post for reporting an alleged coup plot. The police also considered but in the end rejected taking action against the Hong Kong based weekly magazine The Far Eastern Economic Review for an article allegedly implicating government tourism officials in promoting prostitution. The privately owned Thai press presented a wide range of political and social commentary. Technical publications and pamphlets, including those of academics, circulate freely, and the latter present viewpoints ranging from the non-Communist left to the ultraright. Foreign and domestic books normally are not censored, unless they are critical of the royal family or the monarchy. However, in March the police special branch announced it would take steps to halt the sale of the controversial novel "The Satanic Verses," following rallies by Thai Muslims demanding such a ban. The police later raided several bookstores and arrested the owner of a store found selling the book. Similarly, the Interior Ministry ordered the seizure of the August edition of Bangkok magazine which bore a cover photograph satirizing a Buddhist monk. The police warned the publisher not to publish anything insulting to religion or he would face legal action. Additionally, some 219 publications, many of them treatises on Chinese communism, remained banned under an executive order dating from the martial law period.

The press continues to operate under the restrictions imposed by the Press Law of 1941 and remnants of past martial law orders. It practices self-censorship and is particularly cautious about criticism of the military or monarchy. Current legislation permits the Government to close newspapers and revoke the licenses of editors of newspapers which publish stories deemed to be libelous or contrary to national security interests. In 1987 the Government closed one newspaper, which resumed publication within a few weeks; in 1988 and 1989 none were closed. Nevertheless, on several occasions in 1989, the police warned the press not to print stories on controversial subjects. Additionally, the army and some cabinet members more frequently invoked existing restrictive laws to issue warnings to publications printing critical articles.

b. Freedom of Peaceful Assembly and Association

The Constitution ensures the rights of assembly and association. In practice, these rights are exercised freely by politicians, students, labor, and other interest groups without government interference. All associations, including labor unions, must be registered by the Government. The Government, however, does not use the withholding of registration to inhibit freedom of association for any groups. Permits are not required for assembly.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is generally practiced throughout Thailand and protected by law and custom. Theravada Buddhism, the de facto state religion, has had an abiding and profound influence on Thai culture and history, and most Thai practice it. The King is required by the Constitution to profess the Buddhist faith and practice Buddhism. Nonetheless, Thailand

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is a secular society with church and state clearly separate. There are no restrictions on religious ceremonies, the teaching of religion, or conversion from one religion to another, but controversies occasionally arise.

In 1989 the Government moved against Santi Asoke, a nonconformist Buddhist sect. Police arrested the founder of the order, Rak Rakphong, also known as Photirak, in June, for failing to comply with the Buddhist Sangha Supreme Council's order to leave the monkhood. The charge against Photirak under the Sangha Act, which sets forth the regulations of the Buddhist hierarchy, carries a penalty of 6 months in jail or a \$40 fine. At year's end, hearings in the case were continuing in a Bangkok court, although press coverage of the proceedings was limited under a gag order.

In August Photirak was also charged with 79 counts of inciting his followers to violate Article 208 of the Criminal Code by representing themselves falsely as monks even though they were not legally ordained. The 79 followers were also detained for falsely dressing as monks before being released on bail. This offense is punishable by a maximum of 1 year in jail or an \$80 fine. On September 8, in a preliminary hearing, public prosecutors deemed the evidence insufficient to sustain the charge.

Under applicable regulations, missionaries are permitted to live and proselytize in Thailand, as has been the case for more than a century. Thailand does restrict the number of missionaries and places limited restrictions on their activities, but foreign clergy in the country are permitted to preach freely. There is no legal or organized discrimination against, or persecution of, those affiliated with minority religions, such as Christianity or Islam. Religious publishing, regardless of faith, is allowed. As with private associations, religious institutions are registered by the Government. Most senior Thai officials and political leaders are at least nominally Buddhist. Muslims living in the four southern provinces, which have majority Muslim populations, have the right to have civil law cases decided by Muslim judges under Koranic law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Longstanding restrictions on the travel and place of residence of Chinese and Vietnamese aliens living in Thailand remained in place in 1989. The right of citizens to change their residence or workplace was unabridged. The only limitations on travel of persons other than aliens and refugees were restrictions on entry into certain rural areas believed by the Government to be used as bases by Communist insurgents. Apart from prohibiting direct travel between Thailand and Cambodia, the Government did not restrict emigration or foreign travel, except by government officials. Passport applications by single Thai women and children under the age of 14 must be approved by the Department of Public Welfare. In addition, a 1985 statute criticized by some women's rights advocates requires that female passport applicants under age 36 sit through a series of interviews regarding their employment records and finances. These provisions are intended to prevent the export of children for sale and women for purposes of prostitution. The Government has not revoked citizenship for political reasons.

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Thailand is not a party to international legal instruments regarding refugees and their basic rights. However, it has acted in the spirit of those agreements by providing first asylum to approximately 710,000 refugees from Laos, Cambodia, and Vietnam since 1975, and by permitting the temporary relocation of 350,000 Khmer, classed as displaced persons, on its side of the Thai-Cambodian border.

In 1988 the Government severely restricted first asylum and began to push off boats carrying Vietnamese asylum seekers. The push-off policy, which was never uniformly enforced, ended in April 1989 after the Government committed itself to restore first asylum at the preparatory conference on Indo-Chinese refugees in Kuala Lumpur, and then at the UN International Conference on Indo-China refugees in Geneva in June. There were no confirmed reports of Thai Government pushoffs between April and the end of December.

Attacks on Vietnamese asylum seekers by Thai pirates in the Gulf of Thailand resulted in a dramatic upsurge in the number of deaths, rapes, abductions, and missing persons in 1989. The Government arrested 14 suspected pirates in 1989. By year's end, two had been convicted and sentenced to long prison terms.

Following the civil disorders in Rangoon in 1988, 3,000 to 4,000 Burmese students fled to the Thai-Burma border area. Although most students reside in camps on the Burmese side of the border, some live on the Thai side and in Bangkok on a permanent basis. Thailand's official policy is to consider undocumented Burmese as illegal immigrants subject to deportation.

In practice, the Government usually has provided refuge to the students when they have crossed the border fleeing military hostilities or probable persecution. The Government has on occasion arrested students and workers as illegal immigrants, taken them to the border, and directed them to return to Burma. These repatriations generally have been only to areas in Burma controlled by ethnic minority insurgent groups hostile to the Rangoon regime. There have been no confirmed reports of forced repatriation into the hands of the Burmese military or civil authorities. Those repatriated often return to Thailand once there is no longer a Thai government presence in the border area.

In late 1988 and early 1989, the Government initiated a program to repatriate voluntarily Burmese students. Approximately 160 students returned to Rangoon under Thai military auspices. Some groups, including Amnesty International and the ICRC, allege the returns were "less than voluntary" and that the Government had pressured the students to return to Rangoon. Some have alleged that a number of the students who returned have disappeared and others have been subject to human rights violations.

Lao asylum seekers in Thailand are screened by the UNHCR to determine their eligibility for refugee status. The screening program was revised following the 1989 International Conference on Indo-Chinese refugees. Although there were isolated reports of pushbacks of Lao asylum seekers by the Government in 1989, there were fewer than in previous years. Thailand is cooperating with UNHCR in a trilateral program with Laos for the return of certain Lao asylum seekers.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides a means for citizens peacefully to change their government, and the political system has become more open in the past 10 years. However, in practice there are still impediments. The traditional military-bureaucratic elite retains considerable influence and remains a significant, possibly decisive, factor in determining who governs Thailand. Constitutional processes are shallowly rooted. Most politicians and political parties have little contact with the population at the grass roots except during election campaigns, and critics charge they more closely reflect private business interests than the popular will. Many Thais assume that the military, rather than abjuring intervention in the political process, has simply chosen to exert its influence from behind the scenes. In 1989 the Government continued to exercise caution regarding policies and actions of which the military would strongly disapprove.

Prime Minister Chatichai, himself a Member of Parliament and the leader of the party which won the largest number of seats in July 1988, is supported by parties holding roughly three-fifths of the seats in the House. The appointed Senate has limited legislative powers and is composed largely of active duty and retired military and government officials. In the 1988 national elections for the House, which were open and free, 16 political parties fielded a record number of candidates. The election resulted in the formation of a six-party coalition Government. Opposition parties regularly present opposing views both within the National Assembly and in the mass media. The National Assembly almost invariably has dissenting votes on legislation and procedural decisions.

Elections are based on universal suffrage for adults over the age of 20, and are required by the Constitution at least once every 4 years. The Government encourages voter turnout but does not use either direct or indirect pressure to compel voting. Voter turnout for both national and local elections generally exceeds 50 percent, and in the 1988 Parliamentary election reached a record 64 percent.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has responded to specific inquiries on human rights matters from Amnesty International and the International Commission of Jurists. With occasional exceptions, it is generally willing to discuss human rights problems with both domestic and international human rights organizations. Also, human rights organizations of all kinds are generally permitted to visit Thailand, meet with appropriate government officials, and lobby for corrective action.

Thai human rights organizations have had significant success in recent years. They have, for example, successfully encouraged the Government to tighten the discipline of police and paramilitary forces fighting the Communist insurgency and have brought pressure to alleviate widespread abuses in child labor practices and in prisons. The number of nongovernmental human rights organizations has increased. Local civil and women's rights groups, active on a wide range of issues, including combating prostitution and seeking improved

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enforcement of labor laws, have devoted most of their efforts to the promotion of women's rights and identifying and correcting human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion,
Language, or Social Status

Thailand has made considerable progress, particularly considering its limited resources, in accomplishing the integration of its minorities. In 1988 the Government began a comprehensive new plan for improving the living conditions of hill tribes and providing more of them with the opportunity to obtain citizenship and otherwise integrate into the mainstream. Although much of the plan appears to move toward integrating the hill tribes into Thai society while leaving them physically in place, there are provisions for resettling those living in restricted areas such as national forests. Thai officials have stated that any such relocations would be accomplished by persuasion rather than by force.

Ethnic Chinese, found throughout Thailand, with a concentration in Bangkok, are relatively well assimilated, but there is a tradition of popular resentment directed against their trading and financial activities. This resentment has never provoked violent persecution and is dissipating as the Chinese are assimilated into Thai society.

Muslims are a significant minority and represent a majority in Thailand's southernmost provinces bordering Malaysia. The Government has put much effort into regionally targeted development efforts and the creation of educational opportunities in order to integrate Thai Muslims into Thai society. However, Muslims continue to be underrepresented in government service, the professions, and in higher education.

The community of Vietnamese which fled Indochina in the 1940's and 1950's to northeastern Thailand lives under a set of laws and regulations restricting their movements, residences, education, and occupation. Persons who travel illegally can be imprisoned. Since 1980 these Vietnamese have been forbidden to buy new cars. While some of these restrictions are laxly enforced, the approximately 40,000 Vietnamese in this category remain worried that their situation could change for the worse. Those born in Vietnam have no chance of obtaining Thai citizenship under existing laws, although their children born in Thailand can do so in some cases if they pass a background investigation. In December 1988, Prime Minister Chatichai directed relevant government agencies to draft a law providing for the naturalization of long-resident aliens and their children. No draft has emerged to date, however, and the law is likely to make slow progress through the bureaucracy and Parliament. In the meantime, the continuation of restrictions represents, in part, a conscious Thai policy to discourage further emigration from Vietnam, and in part a reaction to the belief that the Vietnamese represent a kind of "fifth column" within Thailand, as it is widely believed that many of these Vietnamese owe allegiance to the Communist Government in Hanoi.

The status and role of women have improved steadily over the past several years. With few exceptions, women have equal legal rights, with specific guarantees of property and divorce rights, and there are no allegations that these rights are denied. Thai law, however, denies Thai nationality to children born of alien fathers and Thai mothers, regardless of

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place of birth. In March Prime Minister Chatichai approved the establishment of a new body to promote women's rights, the National Commission for the Promotion and Coordination of Women's Affairs.

Thai law contains prohibitions on both wife beating and child abuse, and the Government has enunciated a policy emphasizing ending physical abuse of women and children. Enforcement is uneven, however. Human rights advocates point out that the Thai legal system lacks any means to intervene short of criminal prosecution of the abusive spouse or parent. Rules of evidence often make prosecuting these cases difficult, especially when the victims are children. For a combination of these reasons and ingrained cultural attitudes, police are frequently reluctant to pursue such cases. Women's and children's rights groups actively and effectively assist victims of abuse who come to their attention in pursuing legal action. Reliable data on the extent of abuse of women and children are not available. However, some critics believe that wife beating is common.

Prostitution is a significant social problem in Thailand, driven by a combination of longstanding cultural attitudes, rural poverty, and the profits derived from the sex-based component of the modern tourism industry. Despite periodic well-publicized raids on brothels, overall enforcement of laws prohibiting prostitution is lax, in part due to petty police corruption. Children's rights advocates and the Government differ on the number of minors engaged in prostitution, but the official estimate is 30,000. Estimates of the total number of women engaged in prostitution range up to 800,000. Studies have shown that the majority of women engaged in prostitution come from impoverished rural areas. In the case of minors, the majority have been "sold" by their parents to procurers or owners of brothels. Research by human rights groups also suggests that most adults and minors engaged in prostitution are not held against their will (although there are such cases) and view the activity as a legitimate means of improving the financial lot of their families. The social stigma attached to money earned through prostitution has decreased markedly in rural areas. Human rights advocates also report that women engaged in prostitution are rarely subjected to beatings or other violent mistreatment.

Women are well represented in the labor force and becoming increasingly so in professional positions, particularly in the commercial sector. According to the latest available Thai government statistics, women accounted for almost 54 percent of employment in trade, 47 percent in agriculture, 44 percent in services, and 39 percent in industry. In general, women are not barred legally from positions traditionally held by men. However, women continue to be concentrated in traditionally lower paid jobs, and there is a significant gap in average salaries. No accurate statistics are available on this gap, which appears to be narrowing. In rural areas, sex stereotypes are more pronounced with respect to social roles. These barriers are being modified as mass communications bring different role models to even the most remote communities.

Section 6 Worker Rights

a. The Right of Association

The Labor Relations Act of 1975 affirmed the rights of employees to form and join unions or employee associations of

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their own choosing; decide on the constitutions and rules of their associations and unions; formulate their views without government or employer interference; confederate with other unions; be protected against discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and have employee representation in direct negotiations with employers. No Thai law, including the 1975 Act, however, explicitly protects workers from discrimination due to their participation in organizing new unions which have not yet been registered.

The 1975 Act specifically withholds union rights from government workers. Civil servants, therefore, may not unionize, though they may and do form "employee associations," which are influential in determining salary scales, benefits, and conditions of employment. All state enterprise workers may unionize, except those at the Bank of Thailand and the airports authority. The state enterprise sector is the backbone of the labor movement in terms of the number of union members and of the relative strength of its unions.

In addition to a prohibition on strikes in "essential services" (defined to include ports, education, transportation, fuel and energy, telecommunications, hospitals, and waterworks), the right to strike is denied all state enterprise workers. Nevertheless, strikes do occur in the public sector and are usually tolerated by the Government. In 1989 industrial peace prevailed in the state enterprise sector, except for the ports, which saw work stoppages in August and September to resist proposed privatization of a new deep-sea port near Bangkok. Though such strikes are prohibited, no action was taken against the port unions. Another stoppage took place in June at the Electricity Generating Authority of Thailand, in protest of a proposed change of board membership that also had strong privatization implications. That stoppage ended when the Government reconstituted the board of directors.

In most of the private sector, 24-hour notice to management is the only legally mandated prerequisite to a strike. However, the Government has the authority "to restrict the right to strike whenever a strike would affect national security or cause severe negative repercussions for the population at large." The Government used this provision to end one strike in the banking sector in 1989. It was also used to end lockouts in two large manufacturing enterprises, which in both cases had been precipitated by failed strikes protesting working conditions. This in fact represented a pattern for industrial disputes in the private sector: strikes leading to lockouts terminated by government intervention, often then leading to labor court cases filed by labor demanding an award of severance pay to those workers who cease their employment in the affected enterprise.

Thai labor has organized slowly since basic worker rights were affirmed. In 1989 about 12 percent of the industrial work force (defined by the Government as those working in "enterprises," which represents less than 10 percent of the total labor force) was unionized. Union membership and power is heavily concentrated in the state enterprise sector. A cultural factor in the slow growth of organized labor is the historically benign and paternalistic relationship of employers to employees. A provision of Thai labor law permitting the formation of labor unions with as few as 10 members also contributed to a high degree of fractionalization

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at both the union and confederation levels. This manifested itself in a steady increase in the number of registered unions to almost 600, while overall union membership remained virtually constant at around 300,000. Critics believe that this promotes the company unions beholden to management and thus is an infringement of the right of association.

The law effectively guarantees unionists security of their person and protection of their property, and there were no allegations that Thai unionists were particularly subject to violent incidents related to their union activities.

Thai unions generally operate independently of the Government and other outside organizations. However, unionists, along with employers, are represented in a variety of tripartite committees charged with formulating and implementing national labor policy. Despite a history of voluntary association and common cause between unionists and military elements, the importance of such connections continues to decline as the relative political strength and independence of unions rose. Leaders of the main labor federations recognized that fractionalization weakened their impact and continued to coordinate on such national issues as minimum wage, privatization, social security, "temporary" labor abuse, and health and safety issues. Thai unions have tended to be apolitical, in part because the 1975 Act withholds certain protections in cases of "political" activity.

Continuing an effort begun in 1988 when the Chatichai Government came to power, unionists frequently express their views to the Government on key issues. Increases in the minimum wage and salary levels for civil servants and state enterprise workers went into effect in early 1989 after extensive union lobbying late in 1988. Strongly supported by labor, Thailand's Social Security Law passed the House of Representatives in July, and awaits Senate consideration in the spring of 1990. A legislative initiative to create a labor ministry failed to be introduced into the Parliament in 1989 due to disagreement about its eventual scope. Two more prominent unionists were appointed to the Senate in 1989, but no unionists serve in the more influential House of Representatives.

Unions have maintained relations freely with the International Confederation of Free Trade Unions, the Asean Trade Union Congress, and various national labor bodies, including those of the United States, the Federal Republic of Germany, Japan, and Israel. Thai unionists have also participated in meetings and seminars sponsored by the World Federation of Trade Unions.

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) repeatedly has alleged the existence of severe limitations on the right of association in Thailand. Among these have been restrictions on the right to strike in the private sector, the prohibition of unionization by civil servants, the prohibition of strikes in state enterprises, the inadequate legal protection of union activists against dismissal from their jobs, and the requirement that union leaders also be full-time workers in the plants or industries which they represent. The AFL-CIO has also cited alleged widespread abuse of "temporary" labor and reported abuses of child labor. The U.S. Government has found that a basis for many of these allegations exists and accordingly in 1989 continued to encourage the Thai Government to improve worker rights.

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b. The Right to Organize and Bargain Collectively

All Thai workers are guaranteed the right of collective bargaining. The law prescribes procedures to ensure employee participation in the determination of working conditions, wages, and benefits. In recent years, such bargaining has focused more on benefit packages and working conditions than on wages. There were no instances of industrywide collective bargaining agreements. Both labor and management usually seek to resolve potential differences informally before turning to formal collective bargaining. The 1975 Labor Relations Act defined the mechanisms for such negotiations and for conciliation and arbitration under government auspices in cases under dispute. The conciliation and arbitration procedures are mandatory for state enterprises.

A system of labor courts implemented in 1980 exercises judicial review over most aspects of labor law. Workers may also seek redress for their grievances from a tripartite labor relations committee under the Ministry of Interior. The law does not fully protect workers against antiunion discrimination and retribution. The law requiring union leaders also to work full time in the plants or industries which they represent tends to make them vulnerable to employer action in cases of conflict, especially as they have no explicit protection against dismissal for union activities prior to the formal registration of their union. The Thai Court Law of 1980 prohibits "unfair dismissal," but Thai courts have not been uniform in their interpretation of this law.

Employers continued to have at their disposal significant means to prevent the unionization of their enterprises. Employees who were determined to have been dismissed "unfairly" by the labor court were seldom reinstated. Instead, there was a widespread reliance on severance pay as compensation to resolve labor disputes. Additionally, the common use of "temporary" or contract labor was also an effective means of discouraging or preventing unionization. An Interior Ministry announcement on temporary employment issued in October sought to enhance labor protection and to improve benefits for temporary workers by eliminating the legal distinction between temporary and permanent workers. By year's end, however, it was unclear what practical effect the announcement would have, and many unionist were highly critical of the change.

There are several special export processing zones (EPZ's) in Thailand, with many more planned to stimulate further the growth of export-oriented industry. No separate labor legislation is applicable within the export processing zones, where wages and working conditions in fact usually exceed national norms. There are trade unions and collective bargaining in Thai EPZ's.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor except in the case of national emergency, war, or martial law. There were no allegations of forced or compulsory labor in 1989.

d. Minimum Age for Employment of Children

Child labor continued to be a source of considerable domestic and foreign criticism in 1989, including from the AFL-CIO.

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Foreign interest groups have focused heavily on the exploitation of working children. Thai law prohibits the employment of children under age 12, and limits their employment between the ages of 12 and 15 to "light work." Employment of children at night (10 p.m. to 6 a.m.) is prohibited. Complaints against Thailand alleged that Thai standards are low and that their enforcement is inadequate. There was no substantial new evidence of the employment of children under age 12 in 1989. However, there continued to be strong anecdotal indications that children over age 12 were employed in dangerous, unhealthful, or otherwise harmful circumstances. Occasional fires or accidents involving children working or living in factories and construction sites have concentrated public attention on deficiencies. Thai efforts to correct these problems again were hampered in 1989 by inadequate budget resources for inspection and enforcement, and by low penalties and fines which did not sufficiently deter potential violators. The Cabinet, acknowledging the seriousness of child labor problems, approved a threefold increase in manpower for the Department of Labor division responsible for child labor issues. Implementation of the increase began in late 1989. Additionally, large increases in manpower for general labor inspection were also approved and funded. The Cabinet in June also approved increasing the level of compulsory education from 6 to 9 years, though implementation of this decision had not begun by year's end.

A revision of Thai labor protection regulations applicable to working children in the nonagricultural sector, approved in principle by the Cabinet and expected in 1988, was still pending in 1989. The key feature of the proposed revision was an immediate increase in the minimum age to 13 and a long-term increase to 15. In addition to improved inspection and enforcement expected from the manpower increases noted above and the increase in the level of compulsory education, the Government, led personally by Prime Minister Chatichai, initiated a broad campaign to sensitize the public to the problems of child labor.

e. Acceptable Conditions of Work

Working conditions vary widely in Thailand. Medium and large factories, which produce most of Thailand's export goods, generally work 8-hour shifts under conditions which meet international standards. Health and safety standards are maintained voluntarily, minimum wages usually are exceeded, children are not employed, and employees enjoy various additional benefits. However, in Thailand's large informal sector, which is susceptible to minimal inspection, enforcement, and educational efforts by the Government, internationally recognized health and safety standards are generally little understood or upheld. As government health and safety initiatives take firmer hold in larger enterprises, the Government will need to develop special outreach programs to bring both education and enforcement into the informal and small enterprise sector. Government programs for industrial safety have relied primarily on informational campaigns and voluntary compliance. While the programs themselves have been praised as among the best in the region, more resources are required to meet health and safety challenges posed by rapid industrialization. The national force of labor inspectors, even after the increase approved in 1989 is fully implemented, will remain inadequate to the task of investigating and pursuing all potential violations under Thai law, especially

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in the absence of complaints. Another impediment is the fact that many businesses in violation of the law are often unregistered, evade taxes, and operate outside the sphere of government inspection and regulation. The cooperative rather than coercive nature of Thai labor inspection and enforcement practices is criticized by some observers as being ineffectual.

Unskilled laborers who pour into Bangkok from the far poorer countryside often are willing to work at less than the minimum wage (\$3 per day in the Bangkok area, less in most other provinces). In rural Thailand too, many workers are also willing to work for less than the minimum wage. The established minimum wage levels are adequate to provide workers and their families a decent standard of living, given Thailand's level of economic development. Government officials continued to report that large groups of laborers--estimated at about one-third of the total--received less than the legal minimum wage, and to exhort labor inspectors to enforce prescribed rates more effectively.

The Government has yet to give full legal effect to the 48-hour workweek. Commercial employees are not permitted to exceed 54 hours per week; employees in industry 48 hours per week; those in "dangerous" work 42 hours per week. Transportation workers are restricted to no more than 8 hours per day.

TONGA

The Kingdom of Tonga comprises 169 islands scattered over an area of 360,000 square kilometers of the South Pacific. All but a handful of the approximately 108,000 inhabitants are Polynesian. Tonga is a constitutional monarchy, with political life dominated by the King, the nobility, and a few prominent commoners. In 1900 it became a protectorate of Great Britain. In 1970 it became fully independent again and a member of the Commonwealth of Nations.

The security apparatus is responsive to and controlled by the Minister of Police, a senior member of the nobility.

Tonga's economy is based almost exclusively on the cultivation of tropical and semitropical crops. An increasing demand for imported manufactured goods and products unavailable locally has led to a substantial trade deficit. This has largely been offset by remittances from Tongans employed abroad, overseas aid, and, to a lesser degree, tourism.

Despite its autocratic nature, the Government respects and defends basic human rights. There were no significant human rights issues reported during the year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No such killings occurred.

b. Disappearance

There were no disappearances, and no evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman or degrading punishment or other such treatment are forbidden by the Constitution, and there were no reported instances of such practices.

d. Arbitrary Arrest, Detention, or Exile

The right to judicial determination of the legality of arrest is enshrined in the Constitution and observed in practice. There is no preventive detention and no exile, internal or external.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The court system is organized on the British model. The senior resident judge is appointed from overseas, usually from Great Britain. The right to a fair public trial is provided for by law and honored in practice. No one may be summoned before any court without first having received a written indictment clearly stating the offense with which that person is charged. Defendants are entitled to counsel, and lawyers have free access to defendants. The judiciary is free of government

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interference, and there are no special courts for political or security offenses. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law no one may enter or search the home of another, or remove any item of property unless in possession of a warrant issued by a magistrate. There is no arbitrary intrusion by the State or political organizations into a person's private life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for in the Constitution. The one radio station and the country's largest circulation newspaper are government owned. Other components of the media are privately owned. There were no known instances of censorship. The Minister of Police has inveighed and threatened action against the independent media in one or two cases, but no action has ever been taken.

b. Freedom of Peaceful Assembly and Association

Peaceful assembly and association are provided for by law. There are no significant restrictions.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and observed in practice. Missionaries may proselytize without impediment.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Tongan citizens are free to travel anywhere within the Kingdom and abroad. There are no restrictions on repatriation. There are no displaced persons in Tonga.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability to change their leaders or the system of government. The King and a small group of hereditary nobles dominate political life in Tonga. They assert authority largely through their control of substantial landholdings. The Constitution allows the monarch broad powers, many of which do not require the endorsement of the legislative branch. The King appoints and presides over the Privy Council, which makes major policy decisions. (When the King is not presiding, the Privy Council is called the Cabinet). The King also selects the prime minister and other cabinet ministers, who hold office at his pleasure. Tonga's unicameral legislature, the Legislative Assembly, consists of 9 cabinet ministers, 9 nobles elected by their peers (33 noble titles are recognized by the Constitution), and 9 people's representatives elected by all literate, tax-paying males and all literate females. Those above 21 years of age are eligible to vote. The King appoints a speaker from among the

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nobles' representatives. Government ministers and nobles' representatives generally vote as a bloc. People's representatives sometimes vote against the Government. Elections are held every 3 years. There are no political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reports of human rights violations. There are no local nongovernmental organizations which concern themselves with human rights. Tonga is not represented at the United Nations. The Government has not taken an active interest in international human rights matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Social, cultural, and economic facilities are available to all citizens regardless of race, religion, or sex. However, members of the hereditary nobility have substantial advantages in Tongan society. These include control over most of the land and a generally privileged status. Nonetheless, it is possible for commoners to rise to cabinet positions in government and to accumulate great wealth and status in the private sector.

While the strong Polynesian cultural tradition has not encouraged the rise of women to positions of leadership, some have become members of the legislature and served in responsible positions in skilled and semiskilled occupations. No statistics are available on the employment of women in professional occupations or on women's wages compared to men. Little information is available on the incidence of domestic violence in Tonga. The authorities generally do not take an active role in such cases. Wife beating is generally settled in traditional ways between the families and village chiefs; abused wives sometimes return to their families if mediation fails.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form unions. Tonga passed a trade union act in 1964, but to date no unions have been formed. Tonga is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Since no unions have been formed in Tonga, collective bargaining is not a widespread practice, but it does occur informally. Labor laws and regulations are uniformly enforced in all sectors of the economy, including in export enhancement zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law and not practiced.

d. Minimum Age for Employment of Children

No information is available on current Tongan child labor legislation. In practice, child labor is not used in Tonga.

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e. Acceptable Conditions of Work

By regulation the workweek in Tonga is limited to 40 hours. A panel chaired by the Minister of Labor, Commerce, and Industry has been empowered to set minimum wage guidelines but by year's end had not done so. Although Tonga still does not have a minimum wage law, it has for some years set minimum daily wages for such sectors of the economy as manufacturing and tourism. Workers are protected to a degree by the ease with which they can return to their villages and live without a cash income if wages offered are inadequate. Worker rights legislation covering such matters as safety standards, conditions of employment, and child labor is pending in the Legislative Assembly. Industrial accidents are rare as few industries exist that would expose workers to significant danger. Legislation for the provision of social security benefits to the work force has been under consideration by the Government since 1983.

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Vanuatu is a South Pacific island nation with an estimated population of 150,000. It became independent in 1980, following more than 70 years of joint British-French rule. It has a parliamentary system of government with a prime minister and a 46-member parliament. Independence was accompanied by temporary political turbulence which left a legacy of suspicion towards outside interference. Most of the internal strains from the 1980 secessionist rebellion have now subsided, although island and regional loyalties remain strong. The civilian authorities control the police and the paramilitary mobile forces.

Political legitimacy in Vanuatu is based on majority rule, supported by both Melanesian and Western tradition. Following free and fair elections in 1983 and 1987, Vanuatu underwent a period of domestic turmoil beginning in May 1988.

The Vanuatu economy is dependent on international trade and therefore vulnerable to shifts in world market prices. Prior to the political turbulence, tourism earned more foreign exchange than all other exports combined. The downward trends in tourism and foreign investment, started by cyclone Uma in early 1987 and exacerbated by the violence in 1988 and subsequent political uncertainty, continued into early 1989. Tourism, however, picked up considerably after the establishment of Air Vanuatu's direct weekend flights to Australia in mid-1989.

Despite the political turbulence, human rights remained generally unrestricted, although concerns have been raised about restrictions on freedom of speech and press.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Neither the Government nor any organized group has resorted to political or other extrajudicial killing.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Constitutional guarantees against torture and cruel, inhuman, or degrading treatment are observed in practice and enforced by the courts. Prisoners also have recourse to an Ombudsman. In 1988 four members of the Vanuatu Mobile Force were convicted by a local magistrate court on charges that they beat a prisoner.

d. Arbitrary Arrest, Detention, or Exile

There were no reports of arbitrary arrests in Vanuatu. Arrest is by warrant. There is no exile. During the period of political turmoil, opposition figures charged that the Government tried to interfere with their access to counsel by revoking the residency permit of an expatriate lawyer who had been a prominent advisor to the opposition. However, all of

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the "interim government" defendants had outside counsel available to them in their trial and in the subsequent (successful) appeal. The constitutional provision is observed that suspects will be informed of charges and given a speedy hearing before a judge.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The courts uphold constitutional provisions for a fair public trial, presumption of innocence until guilt is proven, prohibition against double jeopardy, the right of habeas corpus, and appeal to the Supreme Court. The courts are free of military or executive interference. Throughout the constitutional turmoil of December 1988 and the subsequent trial of the members of the "interim government," the courts functioned freely and their authority was upheld without question. The Government acquiesced without complaint in the appellate court's ultimate dismissal of charges against the four convicted members of the "interim government." There were no reports of arbitrary or unfair exercise of judicial authority in 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is no arbitrary interference with privacy, family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression, the Government publishes and controls the country's only national newspaper and manages the national radio station. There is no independent newspaper or radio. During the December 1988 "interim government" crisis and the subsequent trial of the participants, the opposition alleged that its members and their views were denied free access to the government-run media. A statement by the then-president which was critical of the Government was not aired, but the criticism was subsequently broadcast live over the radio as part of his speech at the opening of Parliament. One Australian broadcast journalist, whose reports of the "interim government" crisis were deemed inaccurate by the Government, was ordered out of the country. Vanuatu citizens are not allowed to buy television satellite dishes.

b. Freedom of Peaceful Assembly and Association

There are no restrictions on the formation of political parties or other groups in Vanuatu. There are two main political parties and several smaller ones. The out-of-power politicians who have left or been ejected from the ruling Vanua'aku party have formed their own political parties and are actively canvassing for support.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Freedom of religion is protected by law and respected in practice. Missionaries of various Christian denominations work without restriction.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Vanuatu citizens are free to travel internally and externally and to return from abroad without restrictions.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Vanuatu is a multiparty democracy. Numerous candidates competed in the parliamentary elections in 1983 and 1987; both the campaign and voting were considered by outside observers to have been fair. Elections to provincial and local councils have also been freely contested and fair.

Beginning with a violent protest march by antigovernment demonstrators in May 1988, Vanuatu underwent a period of domestic turmoil. Subsequent ejections and resignations of antigovernment members from Parliament led the President to attempt to sack the Vanua'aku Party Government, install a caretaker "interim government," and call for a new general election. After the Vanuatu Supreme Court declared the President's action illegal, the Government arrested the President and his five-man "interim government" on charges of sedition, incitement to mutiny, unlawful assembly, and conspiracy to overthrow the Government. They were tried in February 1989, and four of the six were convicted; however, all were freed in April by the Appeals Court.

Major opposition parties remained outside of Parliament for all of 1989, their members having resigned or been expelled. They continued to demand general elections, and boycotted by-elections held to fill the vacant seats.

To an extent unusual among Pacific Island states, the ruling Vanua'aku Party is the primary policymaking body and its decisions are implemented by the Government. The Vanua'aku Party has in the past used government power to restrict opposition political activity, for example, by denying other parties the use of the government-owned radio and press. There have been reports in the past of harassment against individual communities suspected of having supported opposition candidates. There also have been complaints that the Government arbitrarily revoked residency permits of foreigners who displeased the party or government leaders.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no allegations by outside organizations of human rights violations in Vanuatu. There are no local nongovernmental human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Most of the population is comprised of Melanesians whose ancestors probably migrated from New Guinea. The small

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minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans, generally concentrated in the two towns and on a few plantations, experience discrimination with regard to land ownership. Although there have been allegations of corrupt practices by members of the ruling Vanua'aku party, there is no evidence to suggest a pattern of discrimination in the Government's provision of basic services.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childrearing. Nevertheless, an increasing number of women are finding work in the unskilled, semi-skilled, and service occupations.

While no accurate data are available, violence against women, particularly wife beating, is reportedly common and often alcohol related. Several severe cases have been reported where victims have died. While there are no specific laws against spouse beating, the courts have dealt severely with such cases, using common law assault as a basis for imposing punishment. On those islands where bride price is paid, there is often a feeling that the bride is the property of the husband and to be dealt with as he chooses. Very few cases of wife beating are brought to the attention of the authorities, and even fewer are actually prosecuted. Usually the cases are dropped by the women involved before going to court. The police are reluctant to intervene in what are considered purely domestic matters. The National Council of Women is working to educate women about their rights and to urge establishment of legal protection for women against abuse and neglect.

Section 6 Worker Rights

a. The Right of Association

Vanuatu's workers have the right to organize unions, choose their own representatives, and to strike, but strikes have seldom occurred, due in part to high rates of unemployment. Unions may not affiliate with international labor federations without the permission of the Government. The fundamental legislation establishing the right of workers to organize into unions, setting out the scope of union activity, and providing for the arbitration and conciliation of labor disputes consists of the Trade Union Act of 1983 and the Trade Disputes Act of 1983. There are some 20 trade unions, grouped under an umbrella organization, the Vanuatu Trade Union Congress, which is a member of the International Confederation of Free Trade Unions. The trade unions are independent of the Government. Vanuatu is not a member of the International Labor Organization.

An American Federation of Labor and Congress of Industrial Organizations official who had been working with Vanuatu labor leaders on a continuing basis to strengthen union activities was declared a prohibited immigrant in late 1988, reportedly because of allegations that he participated in or encouraged the May 1988 demonstrations.

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b. The Right to Organize and Bargain Collectively

Unions in Vanuatu have and use the right to organize and bargain collectively. The high percentage of the population still engaged in subsistence agriculture and fishing, however, serves as a deterrent to extensive union activity. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and there have been no reports that either is practiced.

d. Minimum Age for Employment of Children

Children under 12 years of age are not permitted to work outside of family-owned agriculture, where many children do assist their parents. Employment of children 12 to 18 years of age is restricted by occupational category and conditions of labor--such as shipping and nighttime employment. In general, however, the high level of adult unemployment discourages any resort to child labor.

e. Acceptable Conditions of Work

In comparison with other Pacific island countries, wages and salaries are relatively high. Minimum wage legislation has recently been introduced. The minimum wage is about 50 cents per hour for nonagricultural workers, and about 45 cents per hour for agricultural workers. Most workers are not in the wage economy and are thus outside the scope of the minimum wage law. For the remainder, these minimums provide an adequate standard of living within the local context. There are laws to regulate the rights to sick leave, annual vacations, and other conditions of service. Information on health and safety standards, legal workweek, and enforcement of labor standards is not available.

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The Socialist Republic of Vietnam (SRV) proclaims itself a proletarian dictatorship in its 1980 Constitution. It is an authoritarian state ruled by the Vietnamese Communist Party (VCP) through a 13-member Politburo and a Communist Party Central Committee of approximately 173 members nominally elected by a party congress held every 5 years. Government policies, carried out under the Council of Ministers, reflect guidelines--if not specific directives--laid down by the VCP Politburo.

Strong nationalism has characterized Vietnam's history and culture for more than 1,000 years. Resistance against Chinese encroachment from the north and expansion at the expense of declining civilizations (the Cham and Khmer) to the south and west have resulted in cultural and political differences between southern and northern Vietnamese. Most of the political leadership comes from northern Vietnam. The northern, Communist core views other regional, religious, and ethnic groups with suspicion. The northern Vietnamese political leadership has also long considered Indochina as a single strategic unit in terms of military security.

The security apparatus consists of civil and military elements under the control of the Government and Communist Party. Police and nonmilitary law enforcement officers are controlled both by the Government (Ministry of Interior) and the Party. Both Interior Ministry and police officials generally are responsive to Communist Party directives and influence, the Minister himself being a member of the Politburo. The military security apparatus is subject to a similar system of party and governmental control. The Ministry of the Interior, through its various agencies, has a decisive influence on government employment, business licensing, and travel. Although it is now easier for average Vietnamese to open a business or hold private property, the Government continues to regulate private enterprise through complicated bureaucratic procedures.

Abuses of human rights include brutal treatment of persons, arbitrary detentions, absence of fair trials, denial of privacy, and severe restrictions on freedom of speech and press, assembly and association, movement, worker rights, and the right of citizens to change their government. Restrictions on travel abroad were further relaxed in 1989 and, during the first half of the year, there was some greater freedom of expression in literature and the press, but there were signs of a more restrictive policy in the second half. In July the Government agreed to permit emigration of the vast majority of former reeducation center detainees and their families. Vietnam claims it withdrew its remaining troops from Cambodia in September after a decade of occupation but continued to obstruct efforts to achieve a comprehensive solution to the Cambodia problem, effectively denying Cambodian political rights. Also, there were few new releases of political prisoners during 1989; the Government has stated it will not discuss the release of the last 127 inmates incarcerated since 1975 in its reeducation centers.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Relatives of reeducation camp detainees as well as inmates released in 1988 have reported that guards sometimes shot to death those attempting to escape. Other prisoners reportedly have died of malnutrition, exhaustion, and other effects of extreme prison conditions. Statistics on the number of deaths of political prisoners in reeducation camps are not available.

b. Disappearance

There is no recent evidence of political abductions by government security organizations and no reports of disappearances or hostage-taking by forces resisting government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are credible and consistent reports from refugees concerning the severity of conditions in reeducation camps and prisons. The authorities have attempted to produce conformity among detainees through confinement, hard labor, self-criticism, and indoctrination. Detainees face substandard nutrition, poor or nonexistent medical care, and severe and often arbitrary punishment for minor infractions of camp rules.

d. Arbitrary Arrest, Detention, or Exile

Although the Vietnamese legal system ostensibly contains procedural safeguards for citizens against arbitrary government behavior, in fact, they are meaningless. Public security officials are required to obtain warrants to arrest a person for a major crime, including alleged political offenses, but the officials are not required to show these warrants to those they apprehend. Officials can hold suspects for an indefinite period. Refugees have reported that authorities sometimes wait several months before notifying relatives of those arrested of the charges and location of the detainee.

According to refugees, since 1979 the normal practice has been to conduct summary trials of those apprehended on political charges, imprison them for several months, and then move them to reeducation camps. Reports indicate that inmates considered particularly recalcitrant are sent to penal rather than reeducation camps. The Government has said it incarcerated some 100,000 persons in reeducation centers following the Communist victory in 1975. The Government draws a distinction between reeducation centers (trung tam) for those associated with the former regime in the South, and reeducation camps (trai) for those detained after consolidation of VCP power throughout the country. In 1988 the Government declared that all of the center inmates and their families would be released and permitted to emigrate. As of mid-1989, the Government stated that only 127 persons, mostly former high-ranking South Vietnamese military officers and government officials, remain in reeducation centers and will not be released until they are reformed. The Government

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has announced numerous amnesties over the past 13 years, but none during 1989.

For criminal acts, a suspect may be apprehended on a warrant which stipulates the nature of the crime and which authorizes detention for 2 months prior to trial. A 2-month extension of the detention period may be obtained on application. There is no provision for bail or legal counsel prior to trial.

Some former prisoners have reported that they were kept incommunicado for relatively short periods of time, but there is no evidence that any prisoners have been detained incommunicado throughout their confinement. Exile is not used as a matter of public control.

In December 1988, Vietnam signed a Memorandum of Understanding with the United Nations High Commissioner for Refugees (UNHCR) which included a pledge to waive prosecution and punitive measures for persons who departed the country illegally and who return under the UNHCR voluntary repatriation program.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Vietnamese court system consists of the local people's courts, military tribunals, and the Supreme Court, which can review cases from either of the lower courts. In addition, the National Assembly or Council of State may decide to establish special tribunals, which may be superior to the Supreme Court, if the National Assembly so chooses. In addition, local mass organizations are empowered by the Constitution to deal with minor breaches of law or disputes. Although technically judges in all regular courts are elected, candidates for election as judges are selected by the Party organization and are therefore not independent. At present, Vietnam has a penal code and family law but no labor or civil law codes.

Trials are generally public, with legal counsel provided to defendants. Acting for the Government, "people's assessors" present the evidence against the accused. Defense counsel is supposed to ensure that proper legal procedures are followed, in accordance with the defendant's rights under the Constitution, and to explain the proceedings to the defendant. However, the defense counsel is not an advocate for the defendant.

Sentencing is highly arbitrary, despite existing sentencing guidelines. For example, according to various reports, the sentences for former South Vietnamese officials--though never formally tried--correlated directly to rank and position held. Former intelligence and psychological warfare officers were given longer than normal sentences. Court officials take bribes to reduce sentences.

There are no reliable statistics on the number of political prisoners. In addition to the 127 inmates who the Government admits remain in reeducation centers, there are certainly many others detained for political reasons.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In 1989 the Government continued to operate a nationwide system of surveillance and control through household registration and party-appointed block wardens who use informants to keep track of each person's activities. It works imperfectly in southern Vietnam, however, partly because of a shortage of trusted party workers. In the recent past, the security apparatus has reduced overt control efforts, particularly over persons who have no ties to the previous southern regime and who express no opposition to the current Government. In addition, according to refugees, the population is increasingly able to circumvent security restrictions through bribery of party and government officials. To enhance public control, the Government established "People's Security Units" in some localities during 1989.

There have been reports of official and nonofficial security wardens conducting searches of homes, sometimes with warrants issued by the authorities. There continue to be reliable reports that Ministry of the Interior officials inspect and sometimes confiscate mail and packages sent to Vietnam, particularly those sent to politically suspect persons. Some of the outgoing mail is subject to inspection and censorship. Vietnamese are prohibited from receiving many publications from abroad; nevertheless, they are widely available on the black market.

Nearly all Vietnamese are obliged to belong to one or more mass organizations. There are mass organizations for villages and city districts, for school or work (trade union), for youth, women, etc. These mass organizations disseminate propaganda and policy guidelines, support party-sanctioned activities, and play an active watchdog role. Not only is membership virtually compulsory, but attendance at meetings is advisable to prevent either being singled out for criticism or to protect family members from criticism. Membership in the Communist Party is essential for advancement in the state sector. No opposition political activity is tolerated. Communist Party General Secretary Linh attacked proponents of a multiparty system at the Seventh Central Committee Plenum in August 1989 and vowed that opposition political parties would never be permitted in Vietnam.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Vietnamese Constitution theoretically provides for freedom of speech and of the press; but in practice such freedoms are severely limited. Some visitors to Vietnam in 1989 reported that persons they met were more willing to express critical views--even in the presence of others--than in previous years, but public criticism of government and party rule is not tolerated.

The Government owns and operates broadcast media and does not permit airing of opposing views. The Government prohibits persons from importing or viewing many foreign films. However, continuing a trend of the past 3 years, foreign films were widely available in VCR format on the black market, especially in the south.

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The Ministry of Culture and Information and Communist Party organs control all newspapers, books, and other publications, as well as all cultural exhibitions. In many Vietnamese publications, criticism of the Party and the Government is allowed only within limits set by the authorities, highlighting alleged cases of government corruption, for example. During the past 2 years, Saigon Giai Phong, a Party daily newspaper in the south, and Tuoi Tre, the publication of the Youth Union of Ho Chi Minh City, had increasingly criticized government officials and policy. The editors of both newspapers were suddenly replaced in August 1989. Observers agree that since mid-1989 press news reports and commentary have been more restricted.

b. Freedom of Peaceful Assembly and Association

The right of assembly is restricted in law and in practice. Persons wishing to gather in a group are required to apply for a permit. Permits are issued by local authorities, who often do not follow uniform procedure. According to refugees, in some localities citizens must obtain permission for gatherings of over three people.

Nongovernmental organizations, such as church groups, are permitted but they can meet only for approved and narrowly defined objectives, such as religious services. Religious organizations were permitted to maintain affiliation with coreligionists in foreign countries. Opposition political parties or organizations are not permitted.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Continuing a trend of the past 2 years, the Government continued to ease previous restrictions on religious activities. There were no reports of arrests or trials of religious figures in 1989. Persons are permitted to attend religious services, although there are reports that government officials are present to observe who attends the services. Seminaries and other places of religious instruction continued to operate. Travel abroad for religious reasons or to meet with coreligionists was eased considerably for most persons. Foreign religious figures could travel freely to Vietnam during 1989. However, the Government continues to prohibit proselytizing and restrict the movement of some clerics.

The Government has been concerned that religious groups could become seedbeds of subversion and political opposition. It has consistently attempted to divide and control religious groups, in part by establishing government-controlled policymaking bodies such as the Catholic Patriotic Association. The Government has attempted to prevent the growth of religious groups by inhibiting the publication of religious materials and the training of new clergy. The New Testament is available and several American nongovernmental organizations were allowed to import small numbers of Bibles in 1989.

Buddhism is the dominant religion in the country. According to some estimates nearly half of the population of Vietnam is Buddhist. The Government has claimed that only 6 million Vietnamese are practicing Buddhists. Up to another 6 million of the population (9 percent) reportedly are Catholic.

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Adherence to a religion is not compatible with membership in the Communist Party, which espouses atheism. Nevertheless, visitors to Vietnam report that attendance at religious services seemed to grow in 1989. They reported that even government officials, who in previous years feared losing their jobs if it was known that they attended religious services, show no such inhibitions now.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel was freer within the country in 1989, continuing a trend of the past 2 years. Vietnamese are required to obtain permission to change their residence, but most reports concur that this was less difficult during 1989.

In early 1988, the Government announced that it would authorize private travel abroad for education, tourism, medical treatment, and visits to close relatives. Such travel would be restricted to 3 months, except in the case of travel for education or medical treatment, and violators would be barred from further travel for 3 to 5 years. Observers report that the Government still restricts temporary travel abroad, but made exit permits available to a large number of passport holders during 1989.

The Government continued to permit emigration for family reunification and of Amerasian Vietnamese and their close family members. Vietnamese who emigrate are generally free to return to Vietnam. In mid-1987 Vietnam relaxed its restrictions on tourist permits for those who had fled the country clandestinely, prompted in part by the need to earn foreign exchange. Now, only those who allegedly committed "serious crimes" are not allowed to visit. There is no evidence of mistreatment of repatriates. In late 1988 Vietnam signed a Memorandum of Understanding with UNHCR to increase acceptance of voluntary repatriates, provided there was financial assistance. In June 1989, Vietnam joined in the adoption of the Comprehensive Plan of Action (CPA) at the International Conference on Indochinese Refugees in Geneva. Under the CPA, the Vietnamese agreed to encourage volunteers to return from first-asylum camps throughout the region. Nearly 1,000 volunteers from Hong Kong were expected to return by the end of 1989. UNHCR has reported no sanctions against the voluntary returnees. In September 1989, five Vietnamese volunteers who returned from Malaysia were detained for 2 days upon arrival in their home village. Local authorities had not been informed of their planned return and jailed the repatriates before central authorities intervened. These returnees are now fully integrated and freely exercising their trade as fishermen.

In a significant positive development, in July 1989 the Vietnamese agreed in bilateral talks with the U.S. Government to permit emigration of former reeducation center detainees and their families. Interviews of former detainees by U.S. consular and immigration officers began in October in Ho Chi Minh City. The first departures for the United States were scheduled to occur in January 1990.

Sixty-five percent more Vietnamese refugees left Vietnam clandestinely during 1989 than in the previous year. Many people continued to use the established land routes through Cambodia and passage by boat across the Gulf of Thailand to various Southeast Asian first-asylum destinations. Others

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traveled overland through China or made their way in small boats along the Chinese coast to Hong Kong, which experienced an 87-percent increase in its arrival rate. Poor economic conditions, especially in the north, exacerbated the outflow.

Since the occupation of Cambodia by Vietnam, large numbers of Vietnamese have settled in Cambodia. Although some of these persons are former residents who fled during the period of the Lon Nol Government (1970-75) and later during the rule of the Khmer Rouge (1975-78), others are first-time settlers.

In June 1988, Vietnam adopted a new nationality law. It stated that those who wished to divest themselves of Vietnamese citizenship could renounce it formally but that the Government would need to approve the request.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are not free to change their Communist-dominated government. All authority and political power is vested in the Vietnamese Communist Party. Political opposition is not tolerated, nor are there any other political parties. The Politburo of the Central Committee of the Vietnam Communist Party is the supreme decisionmaking body in the nation. The Politburo's powerful Secretariat oversees day-to-day implementation of directives.

Debate of government policies or criticism of the role of the Party is not permitted. Citizens may vote for members of the National Assembly, ostensibly the chief legislative body, but in fact subordinate to the Party. From the single list presented to them, voters may only strike out the names of candidates for whom they do not wish to vote. In several cases during the most recent elections for the National Assembly, however, no candidate received sufficient votes and it was necessary to hold follow-up elections with new candidates. These were held in November and the vacant seats filled.

The Vietnamese Party hierarchy expressed alarm over the disintegration of party rule in Eastern Europe and implicitly has criticized Moscow's reaction. The leadership clearly is worried about the ramifications for its control of a populace long disillusioned with the VCP's rule. As a result, there has been a more marked doctrinaire approach in opposition to political reform, even though the economic renovation policy remains in vogue.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not cooperate with international human rights groups and strongly resents criticism of its human rights policies.

Foreign delegations and journalists who have been allowed to visit reeducation camps (no visits in 1989) have been shown only model camps. Former detainees have described extensive preparations to beautify camps prior to visits, temporary removal of most detainees during visits, and careful briefing of the remaining detainees by Communist Party cadres on what to tell delegation members. The Government does not permit the existence of private human rights groups in Vietnam.

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Vietnam generally does not participate in international human rights activities and prohibits such contact by private citizens. For example, in late 1988 two brothers were convicted and imprisoned for disseminating information on political prisoners to overseas human rights organizations. In 1988, however, the Government permitted the Vietnamese Red Cross to participate in international meetings and, in a meeting with a senior U.S. Government official in July 1989, the Vietnamese Red Cross proposed expanded cooperation with its U.S. counterpart in assisting persons seeking missing relatives, including those in reeducation centers.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Gradual assimilation and cooption appear to be the Government's long-term strategy for most minorities. The Government has created special schools in the Hanoi area to train minority cadres to be the "eyes and ears" of the Party among their own people. Highland minorities in central Vietnam are subject to repression if suspected of ties with resistance groups. Officially programmed resettlement of ethnic Vietnamese into the highlands is designed in part to increase government control over minority groups. Minorities in the south, such as the Chinese and the Indians, have been encouraged to leave the country. Since the adoption of economic reforms, however, the Government has valued the entrepreneurial skills of the Chinese population and has allowed a limited renaissance of private enterprise in Cholon, Ho Chi Minh City's Chinatown. It has also permitted the reopening of private Chinese-language schools.

People released from reeducation camps face considerable discrimination, according to refugees. They do not regain their citizenship rights until 1 year after leaving the camps, if then. In addition, their children generally are not allowed to attend college.

According to a Western academic specialist on Vietnam, the passing grade needed on entrance examinations is lower for children of party officials. It is arbitrarily set high enough to keep the children of suspect background (e.g., officials of the former South Vietnamese Government), out of university. Study abroad is also restricted to politically acceptable persons.

Women do not appear to face discrimination in general employment. No statistics are available on the percentage of women in the work force, or on women's occupations.

There are no statistics available on the frequency of violence against women within the home. However, in 1987 Premier Do Muoi issued a decree banning spouse beating.

Section 6 Worker Rights

a. The Right of Association

Vietnamese workers are not free to form or join unions of their own choosing. All workers automatically become members of the "union" in their workplace, and dues are deducted from their pay. These groups are organized by the Government and belong to the government-controlled Federation of Vietnamese Workers which is affiliated with the Communist-controlled World Federation of Trade Unions. Strikes are considered

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unpatriotic and officially forbidden; none are known to have taken place in 1989. Vietnam is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Vietnamese workers do not have the right to organize unions of their own choosing or to bargain collectively. No law protects against antiunion discrimination by employers against union members and organizers; in the context of mandatory union membership the concept is meaningless. In Vietnam, if one refuses to participate in the workplace union activities, one risks punishment. There are no export processing zones in Vietnam.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is permitted by the Constitution, which states in Article 58 that "people fit for work must work as provided by law." Refugees report that every Vietnamese is required by law to contribute 15 days of work per year to the State or to pay a fee. In addition, unemployed persons, especially unemployed young people, are compelled to work in exchange for small wages and food. A number of government projects have used forced labor provided by reeducation camp prisoners.

d. Minimum Age for Employment of Children

According to existing regulations inherited from the former French colonial administration, the minimum age for workers in Vietnam is 17. Refugees report that children under age 15 are exempt from compulsory labor requirements.

e. Acceptable Conditions of Work

The Government inherited from the former French colonial administration a system of regulations pertaining to working conditions, including a minimum wage, a maximum workweek of 8 hours per day, 6 days per week, and safety standards. However, except for some safety standards, these regulations have not been updated since at least 1975, nor are existing standards enforced universally, if at all. As a result, for example, the minimum wage is so low as to be meaningless. Pay is generally low in Vietnam, inadequate to provide the vast majority of workers and their families a decent living. Moreover, wages frequently are paid late, sometimes by as much as several months. According to reports from refugees, nearly all workers experience delayed paydays in their workplace. Observers agree that doctors, nurses, and teachers are most often the victims of delayed paydays. Possibly as a result, many are reportedly leaving these professions, and there is currently an acute shortage of teachers.

Such safety standards as exist are developed jointly between the Ministry of Labor and worker organizations at individual workplaces. Enforcement of the standards is uneven at best.

WESTERN SAMOA

Western Samoa, a small Pacific island country with a population of around 169,000, is located approximately 1,600 miles northeast of New Zealand, the country from which it became independent in 1962 and to which it still looks as a model for governmental and educational systems. The Constitution adopted at independence proclaimed the nation an independent and sovereign state based on "Christian principles and Samoan customs and tradition" and established a parliamentary democracy on the Westminster model but with certain concessions to Samoan cultural practices. It provides for a Samoan head of state, a unicameral legislature elected by the matai (the family heads), an independent judiciary, protection of Samoan land and traditional titles, and guarantees of fundamental rights and freedoms. Executive authority is vested in the Head of State, with the Government administered by a Cabinet, consisting of the Prime Minister and eight ministers chosen by the Prime Minister. All legislation passed by the Legislative Assembly needs the approval of the Head of State before it becomes law. The present Head of State, Malietoa Tanumafili II, holds the position for life. His successors will be elected by the Legislative Assembly for 5-year terms.

The culture of Western Samoa is essentially Polynesian but uniquely Samoan. Traditional authority is vested in the matai (leader of an extended family). Each extended family, or aiga, has at least one matai, who is appointed by a consensus of the aiga or by other traditional means. Ownership of land is legally vested in the matai. It is the matai's responsibility to direct the economic, social, and political affairs of the aiga. There are 362 villages in Western Samoa with a total of over 20,000 matai. Each village is governed by a Fono or council of matai, which can fine or otherwise punish offenses against village rules. Western Samoa does not have any defense force. The small national police force is firmly under the control of the Government but has little impact beyond the capital city.

The economy is primarily agricultural, with limited potential for development. It is susceptible to shifts in world prices for its export commodities, such as coconut oil. Western Samoa is heavily dependent on foreign aid, particularly from New Zealand, and on remittances sent to family members by the approximately 300,000 Samoans living abroad in Australia, New Zealand, and the United States.

Western Samoan society is based on a collective value system where obligations and responsibilities to the extended family (aiga) are often given precedence over individual rights. The rule of law is tenuous outside the capital, Apia, and most disagreements are settled by traditional means (which can include corporal punishment, banishment, and destruction of houses). Within this context there were no significant human rights problems in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Such killings do not occur.

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b. Disappearance

There have been no instances of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are prohibited by law, and there have been no reports of such practices by police or other government authorities. However, villages are controlled by customary law and beatings, stonings, the burning of houses, and other traditional punishments are meted out by the village council on occasion.

d. Arbitrary Arrest, Detention, or Exile

The law contains safeguards against arbitrary arrest and preventive detention, and these are observed. Some villages have banished members who fail to comply with the rules of the matai, the family head. This is one of the harshest forms of punishment in this collective society.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Western Samoan law assures the right to a fair public trial, and this right is honored. All charges are stated formally and clearly. Defendants are entitled to counsel. There are no special courts to deal with political or security offenses, and the judiciary is independent of government interference or influence. Decisions of village matai about customary law are not subject to judicial review; however, the Government is trying to curb the excesses of some village leaders. The Government has a case pending against a group of village curfew guards who stoned a government worker driving through their village during prayers, a serious offense according to local values.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the privacy of its citizenry and does not permit arbitrary interference with the family, home, or correspondence. Samoan law provides for protection from invasion of the home or seizure of property without substantive and procedural safeguards, including search warrants. Practically, there is little or no privacy in the village. Village officials by law may not enter homes without permission, but there can be substantial social pressure to grant such permission.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press are fundamental parts of the Constitution. They are respected in law and practice. The press is independent of the Government.

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b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly and the right to form associations. There are no significant restrictions.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution, along with freedom of thought and conscience. There is no government-favored religion. Nearly 100 percent of the population is Christian. While the Constitution grants each person the right to change religion or belief and to worship or teach religion alone or with others, in practice the matai, the extended family leader, often chooses the religious denomination of the aiga, the family. There is strong societal pressure to support church leaders and projects financially with contributions often totaling more than 30 percent of income. Younger Samoans have begun to resist these enforced payments.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no controls upon citizens of Western Samoa regarding internal movement or resettlement. Emigration is actively supported by the Government as a social "safety valve" which allows the departure of disenfranchised, frustrated, and potentially rebellious youths and because it increases foreign income through remittances. Foreign travel is generally unrestricted, but there is an exit permit requirement which can only be denied because of pending court cases or outstanding debts to the Government. The right to return is guaranteed. There are no refugees from Western Samoa.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Samoan citizens do not have the right to change the government through direct, multiparty election with universal adult suffrage. Power in Western Samoa is vested in the Prime Minister and the Legislative Assembly. Under the Constitution, the Assembly is elected every 3 years. Forty-five of its members are elected by the approximately 20,000 village chiefs (matai), and the other 2 seats are filled by elections among those citizens who are not Samoan by heritage. Although there is increasing pressure for popular elections, this concept is seen by many as conflicting with "Fa'a Samoa" (the Samoan way). Political leaders have blocked calls for a referendum on universal suffrage. Many Samoans view the existing political structure as democratic, in that the matai traditionally consult with their extended families before making decisions such as selecting candidates for the Assembly. The matai system is conservative but does allow for change. While Samoans must show respect and obedience to their matai in family and communal affairs, the matai have well-defined responsibilities which, if not met, can result in their removal.

Western Samoa has only rudimentary political parties. The first one, founded in 1982, was the Human Rights Protection Party (HRPP); its leader, Tofilau Eti, is currently Prime

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Minister. Although a second party, the Samoan National Development Party (SNDP), was formed during 1988, replacing the previous Christian Democratic Party founded in 1985, the political process in Western Samoa remains very much a function of personality rather than party. As a result, several previous elected governments fell before the end of their prescribed 3-year terms when supporters defected to the opposition.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no reports of any international or nongovernmental investigations of alleged violations of human rights. There are no official or private human rights organizations in Western Samoa.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Samoa is a homogeneous society with no significant ethnic minorities. Samoan politics and culture are the product of a heritage of chiefly privilege and power, and persons of good family have some advantages. There is clear discrimination based on social status and sex, and women traditionally occupy a subordinate role.

Abuse of women, including wife beating, is believed to be a problem, but no reliable data about the extent of it is available. As noted above, traditional punishments sometimes involve beatings; this is generally directed more at men than women. While abuse of women is prohibited by law, it does occur and is often unreported or ignored. Some view wife beating as a male prerogative. There are many cases of rape that go unreported. The few convictions generally result in light punishment.

The Constitution makes special provision to preserve the political rights of non-Samoans. Persons of mixed ancestry who are culturally Samoan are fully accepted and can attain positions of considerable wealth and influence. Thirty percent of the members of Parliament are of mixed ancestry.

Section 6 Worker Rights

a. The Right of Association

Western Samoan workers have complete and unrestricted rights to establish and join organizations of their own choosing. While trade unions have not emerged in the private sector, the Government does not restrict efforts to develop them. A public service association representing government workers, an increasingly important sector of the work force, does exist. The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety. The Public Service Association freely maintains relations with international bodies and participates in bilateral exchanges. Western Samoa does not belong to the International Labor Organization.

b. The Right to Organize and Bargain Collectively

While workers have the right to engage in collective bargaining, there is little practice of this right because of

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the absence of unions in the private sector. However, the Public Service Association engages in collective bargaining on behalf of government workers. Arbitration and mediation procedures are in place to resolve labor disputes, although these rarely arise. Labor law and practice are uniform throughout the country, including in the one export processing zone.

c. Prohibition of Forced or Compulsory Labor

While the Government does not demand compulsory labor and it is prohibited by law, in this collective society people are frequently called upon to work for their villages. Most people do so willingly, but, if not, they are compelled to do so by the matai.

d. Minimum Age of Employment of Children

Under the terms of the Labor and Employment Act of 1972 and Regulations of 1973, it is illegal to employ children under 15 years of age except in "safe and light work." The law does not apply to service rendered to the matai, some of whom require children to work at what might be considered child labor, primarily on village farms.

e. Acceptable Conditions of Work

The Labor and Employment Act of 1972 and Regulations of 1973 established for the private sector a 40-hour workweek and a minimum wage of \$0.35 an hour. This low minimum wage suffices for a minimum standard of living when supplemented by the subsistence farming and fishing in which most families engage. The law also establishes certain rudimentary safety and health standards. Independent observers report, however, that the safety laws are not strictly enforced except when accidents highlight noncompliance. In addition, many agricultural workers, among others, are inadequately protected from pesticides and other dangerous conditions because of limited employer awareness of the hazards. Government education programs are addressing these concerns. The law does not apply to service rendered to the matai. Government employees are covered under different, more stringent regulations, which are adequately enforced.

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Albania, which proclaims itself a People's Socialist Republic, is a one-party state ruled by a Marxist-Leninist dictatorship. Ramiz Alia, who came to power in 1985, exercises personal leadership through the Communist party known as the Albanian Party of Labor (APL). Internationally, he has pursued a policy of cautiously expanding diplomatic, cultural, and commercial links abroad, especially with Balkan and Western European states.

A large, effective security service, the Sigurimi, assists the APL in maintaining repressive controls over the Albanian people, who are permitted only very limited civil and political rights.

Albania has a centrally controlled economy under which the State owns the means of production, and the Government directs all significant economic activity. Within a strategy of economic self-reliance, the Government emphasizes a policy of rapid industrialization and development. In recent years, however, the rate of economic growth has declined. Refugees have reported increased shortages of basic foodstuffs.

Information on internal conditions within Albania is limited. Although the Albanian population continues to be shielded from foreign influences, the Government now tacitly allows citizens to receive foreign broadcasts from Italy, Greece, and Yugoslavia. The Government has liberalized visa issuance for tourists from most Western countries and allowed a limited number of its own citizens to visit neighboring countries in tour groups. In other areas, significant human rights violations, corroborated by private international organizations and refugees, continue to occur. The Government has repeatedly refused to cooperate with any international organization which investigates human rights complaints. In 1989 the United Nations Human Rights Commission publicly censured Albania for its human rights record and for its failure to cooperate with the Commission.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No evidence came to light of political killings by the authorities during 1989.

b. Disappearance

There is no recent information available on whether disappearances occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The criminal code prohibits and provides punishment for the use of physical or psychological force during investigations.

*Because the United States has not had diplomatic relations with Albania since 1939, it is difficult to comment authoritatively on conditions in Albania.

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Nevertheless, former political prisoners have often reported that they were beaten or otherwise ill-treated during investigative proceedings to force them to make confessions. Although some of the worst abuses of the past may have ended, there continue to be allegations that Albanian investigators resort to threats and beatings to obtain confessions or collaboration. In the absence of independent means of investigation, it is difficult to corroborate such reports.

In the past, private international humanitarian organizations have reported harsh prison conditions in Albania, including a severe hard-labor regime with inadequate food and clothing, long-term solitary confinement, cramped cells without room to lie down, and unheated, unfurnished cells lacking any sanitary facilities. The Burrel prison and Spac, Ballsh, and Qafe e Barit labor camps, in particular, have been noted for their harsh conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no one may be arrested without court or prosecutorial approval or be sentenced to jail without a court verdict or for an act which is not a crime. The criminal code, however, is explicitly ideological and officially characterized as a "weapon in the class struggle." Its provisions defining political offenses are loosely formulated, allowing the courts to interpret them broadly to punish whomever the regime desires.

The criminal code lists 34 crimes, 12 of which are political offenses, for which the death sentence may be imposed. Among these capital offenses are such nonviolent political offenses as: unauthorized departure or "flight" from the State, agitation and propaganda against the State, creation of a counterrevolutionary organization or participation therein, concealment of a person who commits a crime against the State, activity against the revolutionary movement of the working class, and refusal to carry out a duty or coercing others to refuse to do so.

The criminal code also provides that banishment (generally to a state farm or enterprise) or internment may be imposed administratively, without trial, for up to 5 years on persons whom the authorities consider a threat to the Communist system and on the families of fugitives. In 1988 a new decree (No. 7071) was officially reported concerning "internment and exile as administrative measures." However, the text of the decree was not published, and it is not known how this decree differs from Decree No. 5912 of 1979.

There are numerous reports that families of escapees from Albania have been imprisoned or interned as a deterrent to other potential illegal emigrants. Amnesty International (AI) has reported a number of such cases in recent years, but another source claimed that close relatives of recent escapees are no longer interned.

AI reports that political detainees lack adequate legal safeguards during pretrial investigations. It also notes that political prisoners awaiting trial are not guaranteed visits from relatives during the investigation or access to a legal advisor unless the court "deemed it necessary." By law, investigations into crimes against the State must be completed within 3 months, but extensions are easily obtained, and no effective maximum period of investigation is enforced. Most

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investigations into political offenses are completed within 4 months, but AI has charged that some investigations have dragged on for more than a year.

Political detainees have been held in solitary confinement for up to 6 months during pretrial investigations without access to lawyers or relatives. The criminal code provides that accused persons must be informed when investigation of their cases is concluded and allowed to examine all the evidence to be brought against them. Usually, however, they are not allowed to examine all the materials and are shown only a copy of the indictment. While investigators are theoretically bound by rules of procedure, and the accused may appeal to higher authority against investigators who violate proper procedures, these controls do not appear to be effective.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system includes the Supreme Court and regional and district courts. Like all organs of the Government, the judicial system is under the total control of the APL. Courts may not render an independent verdict in conflict with the wishes or policies of the regime.

AI reports that persons accused of political crimes lack adequate legal safeguards during their trials. Defendants at political trials have usually been denied defense counsel and have had to conduct their own defense. Major important trials of state officials are closed when it suits the purposes of the regime, but most political trials of ordinary citizens are held in open court. Most such trials last no more than 1 day, and there have been no known acquittals.

The number of persons in prison is unknown; they include 300 members of the pre-World War II elite, as well as pro-Soviet, pro-Chinese, and other political prisoners. Many persons are serving sentences for expressing dissatisfaction with conditions in Albania or for trying to flee the country. Former political prisoners report about 1,200 political prisoners each were being held in the Ballsh and Spac labor camps during the early 1980's. Some 300 more were imprisoned at Burrel, and others were held in Tarovic, Kosove, and Tirana prisons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution proclaims the inviolability of the home and the privacy of correspondence, but at the same time it provides that these and other civil rights are subordinate to the general interest and may not be exercised in opposition to the Socialist order. Observers generally believe that the authorities can, and do, violate the privacy of the home when and as necessary to achieve their ends. The Government uses its pervasive informer network to report on, among other things, the private lives of its citizens.

Contact with the outside world is carefully monitored. Albanian citizens are required to report to the police any contact with foreigners, but many welcome casual contact with foreign tourists. Refugees have reported difficulties they had while in Albania in receiving telephone calls from relatives living in the United States. Sometimes packages of

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food, medicine, and clothing sent to them were returned by the Albanian authorities. After 1986 it became significantly easier to receive letters and packages from relatives abroad. Though it is technically illegal to receive television or radio broadcasts from neighboring Italy, Yugoslavia, and Greece, the Government tacitly allows its citizens to do so.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that citizens enjoy these freedoms but may not exercise them in opposition to the Socialist order. Any citizen who publicly criticizes the Government is subject to swift and severe reprisals under an article of the Constitution which forbids anti-State agitation and propaganda. AI states in its 1989 report that the majority of political prisoners were imprisoned for attempting to exercise their rights to freedom of expression and freedom of movement.

All news media are government controlled and never criticize the state and party leadership or their policies. However, there are indications that media criticism of some aspects of Albanian society, such as the pervasive problem of corruption, has increased. As weapons of revolutionary change, art and literature are subject to rigid state control and censorship. The authorities also manipulate scholarly inquiry and publications for political purposes, particularly in such fields as linguistics, literature, economics, history, geography, folklore, and ethnology.

Although there are restrictions on contacts with foreigners, such restrictions have been relaxed lately. Western visitors report that Albanian citizens are increasingly bold in talking to Western visitors and tourists. Tirana's participation in Balkan cooperation should increase Albania's exposure to external influences.

b. Freedom of Peaceful Assembly and Association

The security police deal severely with group activities that do not have government sanction or that appear to be in opposition to the leadership. There are no independent associations or organizations.

Western news services reported demonstrations took place in the northern Albanian city of Shkoder and in some other locations at the end of December. Some reports say that the demonstrations were violently repressed by the Government. Other reports indicate that four young ethnic Greek men, identified as Costas, George, Takis, and Odysseas Prassos, were brutally punished by the Albanian authorities. Two allegedly died after being dragged by tractors through several villages. Some accounts indicate they were punished to forestall demonstrations in the area; others say they were caught attempting to leave the country. The Government has denied both the reports of demonstrations and of the deaths.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religious activity in Albania is expressly prohibited by the Constitution and by government policy. Historically, about 70

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percent of all Albanians were Muslim, nearly 20 percent were Orthodox, and a little more than 10 percent were Roman Catholic. Estimates of the number of Jews in Albania range from 500 to 2,500.

In 1967 the Government proclaimed Albania the first atheist State in the world, abrogated all laws dealing with church-state relations, and began actively to eradicate all vestiges of religion. More than 2,100 mosques, churches, monasteries, and other institutions were closed, their fixed assets were seized by the authorities without compensation, and many religious leaders were persecuted, imprisoned, or even executed for continuing their religious functions. All religious literature was banned, as were any personal manifestations of religious belief or practice. In 1975 a Legislative Decree stipulated that names for newborns were to be chosen from a list of "appropriate" names (that is, names without religious overtones). At the same time, a number of geographical names with religious significance were changed. While a few outstanding historic churches and their religious art are being restored as museums, most churches and mosques have been converted to other uses.

The regime continues to suppress religious activity by threatening harsh penalties for believers who practice their faith and by obliging citizens to inform on believers. Refugees have said that people who were known to practice religion in their homes were publicly ridiculed, summoned by the authorities for interrogation, and threatened. Despite years of antireligious pressure, it is clear that some Albanians have continued to practice their faith in their own homes, particularly in villages and in more remote mountainous areas. Tourists have reported seeing Muslims praying along roadsides with apparent impunity. There have been some signs that the regime, eager to improve its relations with Western European countries as well as with its Balkan neighbors, is quietly toning down its antireligious campaign and even permitting some private expressions of religion. In March the United Nations Human Rights Commission voted to censure Albania for its failure to comply with the U.N. Charter's provisions protecting human rights. The Government responded that there was genuine freedom of conscience in Albania. It said that no one can force people to believe in God or to perform religious rites and that, ultimately, religious belief was a personal and family matter.

This is the first public statement by the Government which seems to concede, at least in principle, the right of its citizens to religious belief. Another positive development was the official decision in 1988 to permit the visit of an Orthodox priest and an Islamic imam of Albanian descent to visit Albania. A Jesuit priest who left Albania in 1940 was also permitted to visit his family. In 1989 Mother Theresa, who is of Albanian descent, was permitted to visit Albania. Although her visit was given prominent coverage in the local press, she was not identified as a Roman Catholic nun but only as a "well-known Albanian charity worker."

In 1989 several Roman Catholic priests were reportedly released from prison. The single surviving Roman Catholic prelate, Bishop Nikoll Mehill Troshani, who had been imprisoned during the 1940's and 1950's and again arrested in 1974 after holding religious services, was reportedly released from a forced labor camp in 1988. It was confirmed that Father Pjeter Mashkalla died in the Ballsh labor camp on

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July 28, 1988. He had been imprisoned from 1946 to 1971 and from 1973 to 1983, and was again arrested in 1985 after celebrating Christmas eve Mass. No new information is available about the fate of another imprisoned Roman Catholic priest, Ndoc Luli.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not guarantee freedom of movement. Movement within the country and travel abroad are controlled very strictly, and transgressors against the laws have been severely punished in the past. The criminal code states that flight from the State or refusal to return to the fatherland by a person sent abroad on service or allowed to leave the State is considered treason and punishable by imprisonment for not less than 10 years or by death. AI stated in its 1989 report that many prisoners apparently had been imprisoned for trying to leave Albania illegally. Until recently, Albanians were allowed to leave the country legally only on official business or, very rarely, for family reasons. In 1988 organized groups of Albanian tourists visited Yugoslavia and Western European countries. Albania has publicly stated that it wishes to increase the number of its university students on exchange programs in Western countries. Neither Albanian law nor practice allows the right to emigrate.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

No such right exists in theory or in practice. The system of government is a Communist dictatorship, headed by Ramiz Alia in his capacity as First Secretary of the APL and Chairman of the Presidium of the People's Assembly. The Constitution establishes the APL as the sole political entity and Marxism-Leninism as the only political ideology. The APL is governed internally by the principle of "democratic centralism," under which decisionmaking power is concentrated in the hands of a small elite.

The Constitution provides that the People's Assembly (a unicameral parliament) is the supreme organ of national government in Albania; similar bodies, called people's councils, exist at the local level. Candidates for these assemblies are first designated by a mass organization known as the Democratic Front, which is controlled by the APL. They are then "elected" without opposition by universal suffrage.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government denies violating human rights and refuses to cooperate with any investigation of allegations to the contrary, including confidential investigations by the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Greeks are the largest ethnic minority, but smaller numbers of Serbs, Macedonians, Vlachs, Gypsies, and Jews also live in Albania. Estimates of the size of the Greek population vary from 40,000 (from an official Albanian census) to as high as 400,000 (from groups promoting the interests of ethnic Greeks

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in Albania). Neutral organizations have estimated that the ethnic Greek population is 50,000.

The Constitution grants national minorities "guaranteed protection and development of their culture and popular traditions, the use of their mother tongue, and its teaching in the schools, and equal development in all fields of social life." While there are differences of opinion over the extent to which minorities may exercise their cultural, educational, and linguistic rights, they are clearly restricted. While Greeks and Macedonians may be educated in their mother tongues through the primary level, there are no radio or television programs in these languages. A Greek-language newspaper, *Laiko Vima*, is published in the southern town of Argyrokastro. Cross-border ties between Albania and Greece increased significantly after the November 1987 visit to Albania of the Greek Foreign Minister, and relatives and friends of the Greek minority in Albania are being permitted to send remittances to Albania.

Several reports indicate persecution, harassment, and discrimination against minorities solely because of their ethnic status. There have even been reports of mass removals of segments of the Greek population out of traditionally Greek lands in the south to areas more distant from the Albanian-Greek border. Furthermore, insofar as the ban on religious practice has removed the Greek Orthodox church from Greek communities in Albania, an important part of that ethnic group's community life and links to Greece has been eliminated. The leadership of both the APL and the Government are overwhelmingly ethnic Albanians of Muslim background. The Chairman of the People's Assembly, a Greek woman, is one notable exception, however.

Scholars of the Albanian language have noted that northern Albanians, who historically spoke the Gheg dialect of their language, have been educationally disadvantaged by the adoption of "unified literary Albanian," basically a version of the Tosk dialect, spoken in southern Albania. Most members of the leadership of the Albanian Party of Labor are Tosk speakers.

The Constitution states that women shall enjoy "equal rights with men in work, pay, holidays, social security, education, in all social-political activity, as well as in the family." Information on the extent to which these rights are exercised is not available, but the regime appears to have advanced the status of women. Women are said to participate equally in obligatory labor and military service programs. No information is available on the extent to which violence against women is practiced or what, if anything, the regime has done on the issue.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to associate freely and to strike. Nearly all Albanians belong to trade unions that are part of the United Trade Unions of Albania (UTUA), an arm of the APL. These unions have no significant independent voice in the field of labor relations, but they play a key role in indoctrinating and propagandizing the workers, in maintaining labor discipline, and in organizing the periods of so-called voluntary manual labor in which all Albanians are expected to

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take part. There is a seat reserved for the UTUA as an affiliate of the Communist-controlled World Federation of Trade Unions, but the Albanians have not participated in this Soviet labor front organization since the mid-1960's. Albania withdrew from the International Labor Organization in 1967.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize freely and to bargain collectively. There are no special economic zones.

c. Prohibition of Forced or Compulsory Labor

Little information on forced labor is available. It is believed that one form of punishment is internal banishment to a labor camp. The prisoners do not have a choice of work but are paid for their labor.

d. Minimum Age for Employment of Children

According to the Labor Code of 1980, amended in 1981, the minimum age for employment of children is 15. Those under 16 years of age may not work more than 6 hours per day. Information on enforcement of this law is unavailable.

e. Acceptable Conditions of Work

According to the Labor Code, the workweek is 48 hours. Pregnant women, children under 16 years of age, and persons with a doctor's certificate may not work between 10 p.m. and 6 a.m. Women, young persons under 18 years of age, and those with a doctor's certificate are prohibited from working underground. Workers in arduous and dangerous jobs are provided appropriate protective clothing and special food rations. The Labor Code contains regulations pertaining to occupational health and safety, but there is no available information on the effectiveness of enforcement. Minimum wage information is not available.

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Austria is a constitutional, parliamentary democracy. The coalition government (Socialist Party and People's Party), formed after the November 1986 national election, continued in office in 1989. The loosely united Green Party and the liberal/nationalist Freedom Party constituted the opposition.

The police and security organs are effectively subordinated to the executive and judicial authorities.

Austria has a developed economy, and Austrians enjoy a high standard of living.

Since World War II, Austria has served as a country of first asylum for approximately 2 million refugees from Eastern Europe. Austria continued in this role during 1989.

Human rights are highly respected in Austria, and individual rights and political freedoms are constitutionally guaranteed.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings either by government authorities or opposition groups. On July 13, three Iranian Kurdish activists were murdered in Vienna, almost certainly by non-Austrians.

b. Disappearance

There were no political abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is banned by Article II of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is incorporated into the Austrian Constitution, and is not practiced.

In 1989 a leading Green parliamentarian called for reform of the procedures used in handling citizen complaints against the police. He cited government records showing that during the years 1986-88 there had been 844 citizen complaints alleging unnecessary use of force by police. Judgments against the police were forthcoming in only six cases.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary detention or exile. In criminal cases the law provides for investigative or pretrial detention for up to 48 hours, by which time an investigative judge must decide on the legality of extending the period of detention. Provided the investigative judge agrees, the accused may be held pending completion of an investigation for a maximum of 2 years. Grounds for investigative detention are enumerated in the law, as are conditions for release on bail. Domestic critics of the use made of pretrial detention continue to point to a study which showed that of those so detained in Vienna, for example, only 57 percent were eventually found guilty of crimes justifying prison

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sentences. In recent years, the number of those in investigative detention and in jail serving prison sentences declined. On September 1, the total number of those in custody was 5,771, of whom 1,646 were in investigative detention. During 1989 work continued on a comprehensive reform of the law on detention for infractions of administrative law.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is independent of the executive and legislative branches of government. Trials are public. Judges are appointed for life and may not, in principle, be removed from office. Jury trials are prescribed for major offenses, and those convicted have the right of appeal. Written charges must be presented to the accused, who has the right to be represented by a lawyer.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for the protection of personal data collected, processed, or transmitted by government agencies, public institutions, and private entities. Constitutional provisions also protect the secrecy of the mail and telephone.

The privacy of family life is respected. There is no effort by the Government to monitor or control family life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and respected in practice. Austria has a free, independent, and multifaceted press, ranging from conservative to Communist.

Publications may be removed from circulation if they violate legal provisions concerning morality or public security. As a matter of practice, such cases are extremely rare. Opposition viewpoints are given wide attention in Austrian publications. Freedom of academic expression is respected. Austria's well-established democratic political system, its active and independent press, and its effective judiciary combine to assure continued freedom of speech and press.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association. Public demonstrations require a permit from the police authorities, who may consider only the public safety aspect of the proposed demonstration and not its political purpose. Permits are routinely issued.

The Austrian State Treaty of 1955 makes an exception to freedom of association in the case of Nazi organizations and activities. The Constitutional Law of 1945, as amended in 1947, also prohibits Nazi organizations and activities. The law on the formation of associations stipulates that permission to form an association may be denied if it is apparent that the organization will pursue the illegal activities of a prohibited organization.

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For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

This right is provided for in the Constitution, although the Treaty of St. Germain, which also is a constitutional provision, restricts this freedom to the practice of religions which are compatible with public safety and morality. In order to qualify as a recognized religious organization under Austrian law, a religious group must register with the Government. Although 88 percent of the population is Roman Catholic, most of the world's major religions are represented.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions concerning freedom of movement within the country or the right to change residence or workplace. Austrian residents are free to travel abroad and to emigrate. Citizens who have left the country have the right to return.

Austria serves as a country of first asylum for refugees from Eastern Europe and as a transit point for Soviet Jewish emigrants on their way to Israel or other countries. A mass exodus of East Germans from Hungary through Austria on their way to the Federal Republic of Germany began on September 1 with the permission of Hungarian authorities. In 1989 more than 50,000 East Germans transited Austria.

During 1989 the Interior Ministry reported that approximately 21,800 persons applied for asylum in Austria. At year's end, 18,252 asylum applicants were being cared for by Austrian authorities.

Austrian authorities have been using an accelerated procedure for distinguishing between genuine political asylum seekers and "economically motivated" immigrants. Those arriving from Poland and Hungary are informed that they have very little chance of receiving asylum. In August 1988, 25 percent of applicants were granted asylum. This decreased to 15 percent in July 1989 and to 5 percent in August. Those denied Austrian asylum under this procedure generally have been allowed to remain in Austria but without any official financial support. Austria's legal guest worker population stood at 174,266 in November, not including resident dependents.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Austria is governed through a democratic parliamentary system. Under the Constitution, national elections must be held at least every 4 years. Elections are free and regularly draw high levels of participation. There is universal suffrage for those over 19 years of age. The most recent national elections (1986) resulted in a change of government. No party won an absolute majority. The Socialist Party, which won 80 seats in Parliament, went into a coalition with the People's Party, which won 77 seats. As for the two other parties represented in Parliament, the liberal/nationalist Freedom Party won 18 seats, and the Greens won 8. Several small parties participated in the elections, including the Communist Party, which did not receive sufficient support to elect candidates to the Parliament.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Allegations of improper activities on the part of the authorities are discussed and investigated by the press, public groups, and private persons without government hindrance. Both international and local human rights groups operate freely.

Austria recognizes the competence of the European Commission of Human Rights in Strasbourg for implementing the European Human Rights Convention. Austria concerns itself extensively with international human rights matters, especially the human rights situation in Eastern Europe.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Austria has an extensive public welfare system, the benefits of which are available to all citizens on a nondiscriminatory basis. In employment and in other areas, there is extensive legal protection against discrimination because of race, sex, religion, language, or social status. In practice, there is no pattern of such discrimination.

The commemorative events and media analyses associated with the 50th anniversaries of the annexation of Austria by Germany in March 1938, the Kristallnacht pogrom in November 1938, and the outbreak of World War II in September 1939 included many examinations of anti-Semitism in Austrian history and contemporary Austria. The public discourse on the issue during this period was unprecedented in the postwar era.

Opinion surveys indicate the continued existence of anti-Semitic sentiments among some Austrians. The Government has condemned this phenomenon in very strong terms and has recommitted the country to combating all its manifestations.

Legal restrictions on women's rights have long been abolished. Women are entering the work force in increasing numbers and have made substantial progress toward economic equality in the postwar era. Nevertheless, in practice inequality still exists in political, economic, and social fields, despite legislation enacted in 1977 and 1979 to reform family law.

The issue of violence against women was addressed by the Government in 1989 as the coalition parties reached general agreement on several legal reforms. These would make spousal rape criminal and provide an expedited procedure for barring husbands from their homes when they had threatened their wives with violence. The latter procedure would be available even in the absence of a divorce action, a significant change in existing law.

The human rights of Austrian minorities are fully respected. However, in 1989 the Slovenian-speaking minority in the province of Carinthia remained concerned about the future of instruction in the Slovenian language in local elementary schools. The Slovenes feared that changes in the province's bilingual education system, advocated by some German-speaking groups, might curtail the use of Slovenian in many provincial elementary schools. A 1988 compromise plan to retain Slovenian/German bilingual education in a majority of

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instances has yet to take concrete form. In 1989 Slovene access to the government-owned television broadcasts increased. The Government also pledged to construct a new secondary school for the Slovene community. Slovene leaders ended their 10-year boycott of participation in a federal advisory committee on Slovene issues.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. Their right to join trade unions and to engage in activities in pursuit of trade union aims is protected under general constitutional guarantees of freedom of association. In practice, Austrian trade unions have an important and independent voice in the political, social, and economic life of the country.

More than 60 percent of the work force is organized in 15 national unions, each of which is a member of the Austrian Trade Union Federation (ATUF). This organization has a strong, centralized leadership structure. Individual unions and the federation are independent of government or political party control, although there are formal factions within these organizations that are closely allied with political parties.

Strikes in the postwar period have been comparatively few and usually of short duration. High on the list of reasons for Austria's record of labor peace is the system of "social partnership"--Austria's nearly unique unofficial forum for cooperation among labor, management, and government. At the center of the system is a parity commission for wages and prices, chaired normally by the Federal Chancellor, which has an important voice on major economic questions.

The ATUF is a member of the International Confederation of Free Trade Unions and the European Trade Union Confederation. However, the ATUF's Christian faction is also affiliated to the World Confederation of Labor, while the left-wing faction is affiliated to the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Unions have the right to organize and bargain collectively. The labor movement enjoys widespread acceptance and almost all large companies, private and state owned, are strong and well organized. Workers councils representing all of the workers in a unit operate at the enterprise level, and workers are entitled by law to elect one-third of the members of the boards of major companies. Collective agreements are negotiated by the ATUF on behalf of its member unions with the National Chamber of Economics and its associations representing the employers within a framework of wage-price policy guidelines set by the Joint Parity Commission. A 1973 law imposes on employers the obligation to prove that job dismissals are not motivated by antiunion discrimination. In 1989 the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations asked the Government to apply these protections also to enterprises with fewer than five employees.

Workers are further protected by membership in the Austrian Chambers of Labor--compulsory for all employees except civil

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servants. These chambers fulfill several functions that are handled by trade unions in other countries, such as carrying out studies and preparing legislative proposals, but the ATUF is exclusively responsible for collective bargaining. The leaderships of both the chambers and the ATUF are elected democratically.

Austria has no export processing zones. Labor law and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Austria. It is prohibited by law.

d. Minimum Age for Employment of Children

The minimum legal working age is 15. The law is effectively enforced.

e. Acceptable Conditions of Work

There is no national minimum wage in Austria, but a worker whose annual income falls below a poverty line (approximately \$381 per family member per month at the current exchange rate) is eligible to receive social welfare benefits. In addition, nationwide collective bargaining agreements set minimum wage rates by job classification for each industry. The average Austrian has a high standard of living by any international comparison, and most of the least well-paid workers still enjoy a decent minimum standard.

Although the legal workweek has been established at 40 hours since 1975, more than 50 percent of the labor force enjoys collective bargaining agreements setting a maximum workweek at 38 or 38.5 hours.

Legislation under which a labor inspectorate attached to the Ministry of Social Affairs conducts inspections of occupational health and safety conditions ensures the effective protection of workers in these areas.

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Belgium is a longstanding parliamentary democracy under a constitutional monarch. The constitutional role of King Baudouin I is largely ceremonial. The Council of Ministers (the Cabinet), led by the Prime Minister, is responsible for government decisions. The Cabinet holds office as long as it retains the confidence of the democratically elected bicameral Parliament.

National, municipal, and judicial police forces bear the primary responsibility for domestic security in Belgium. The armed forces play no role in domestic law enforcement.

Belgium is a highly industrialized state with a mixed, free-market economy. A vigorous private sector, government participation in certain industries, and an extensive social welfare system combine to support a relatively high standard of living for most Belgians.

Respect for human rights is provided for in the Constitution and laws and observed in practice. The Government is sensitive to allegations of human rights violations and in 1989 took steps to adjust national policies criticized by the European Court of Human Rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no political or other extrajudicial killings.

b. Disappearance

Abductions, secret arrests, and clandestine detentions did not occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government does not practice or condone torture or inhuman treatment.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is provided for by law. Arrested persons must be brought before a judge within 24 hours. Thereafter, pretrial confinement is allowed only under certain legally specified circumstances. The premise for such confinement is subject to monthly review by a panel of judges.

Bail exists in principle under Belgian law but is rarely granted in practice. There is no limit on the length of time an accused may be held prior to coming to trial. In 1988 the European Court of Human Rights criticized Belgium for placing juveniles in prisons until accommodations could be found in special juvenile correction institutions. Since that time, several legislative amendments have been proposed in the Parliament to put an end to this practice. Exile of Belgian citizens is not permitted by law.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

A fair public trial, including the right to counsel, is assured by law and honored in practice. A suspect is charged, if the evidence so warrants, once a preliminary judicial investigatory phase is completed. Charges are clearly and formally stated, and defendants enjoy the right of appeal. Imprisonment for political beliefs is prohibited.

In March the European Court of Human Rights criticized Belgium for withholding evidence from defense attorneys for as long as 1 month after detainees had been arrested. In response, the Ministry of Justice has proposed legislation which would bring Belgian law in this area into compliance with the European Convention on Human Rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference with privacy by the State is guaranteed by law and respected in practice. Search warrants issued by a judge are required unless the residents of a domicile agree to a search. Monitoring of telephones and interference with mail are strictly prohibited.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are assured by law and respected in practice. Varying political, religious, philosophical, and artistic views are permitted free public expression, subject only to slander and libel laws. There is no political censorship of the media. Statutes protect citizens' rights to reply to media criticism. Publications and productions held to undermine "public order" (e.g., explicit pornography and incitement to violence) are prohibited, however, and civil servants are restricted from criticizing government policy. Academic freedom is respected.

The Government operates several radio and television networks but does not control program content. Programs are supervised by boards of directors which represent the main political, linguistic, and opinion groups. A government representative sits on each board but has no veto power. Private radio and television stations operate with government licenses. Most urban homes have access by cable to television from other European countries.

b. Freedom of Peaceful Assembly and Association

Public assembly is subject to regulations concerning public order, but is otherwise unrestricted. Groups protesting government policies or actions are free from harassment and persecution. Permits are required for open-air assemblies, but are granted routinely. Belgians are free to form organizations and to establish ties to international bodies.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Belgium has a long tradition of religious tolerance. The Christian, Jewish, and Muslim religions are accorded a

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"recognized" status in law, and granted a government subsidy. Minority "nonrecognized" religions enjoy full freedom to practice and are not subject to harassment or persecution.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Belgians are completely free to travel both within Belgium and internationally, and may return to Belgium at any time. Citizens are free to choose their places of work and residence. The Government does not force refugees to return to countries where they face persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Participation in the political system is open to all adult citizens. Direct popular elections for parliamentary seats (excluding 76 of the 182 Senate seats apportioned by other means) are held at least every 4 years under a system of universal, secret, and compulsory suffrage for all adults (age 18 and over). Unweighted voting (one person/one vote) has been in effect since 1919 for men, and since 1949 for women. Under law and practice, opposition parties are free to operate without constraints or repression. Seventeen political parties, representing the full range of the political spectrum, competed in the last general elections in December 1987.

The existence of Dutch- and French-speaking regions poses significant problems for the State. All major institutions, including political parties, are divided along linguistic lines. There are special provisions for Dutch-, French-, and German-speaking councils at the regional level. Regional and linguistic needs are taken into account in national political and economic decisions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No requests have been made for outside investigation of the human rights situation in Belgium. Several active independent human rights groups exist. All consider the Government open to discussion of any human rights question. The Ministry of Justice and other governmental agencies are sensitive to allegations of human rights abuses and take steps to correct perceived shortcomings in national legislation. The Government is a party to various international human rights treaties and has been active in the United Nations and other international forums in promoting human rights. It has also promoted independent investigation of alleged human rights violations.

Section 5 Discrimination Based on Race, Religion, Sex, Language, or Social Status

Belgium is a culturally vibrant, pluralistic society in which individual differences in general are respected, and linguistic rights in particular are protected. Some 57 percent of Belgians are native Dutch speakers living primarily in the northern provinces that constitute Flanders. The 42 percent of the population who are French speakers live mostly in the capital, Brussels, and the southern provinces called Wallonia. A small minority of German speakers lives along the

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eastern border. Language differences have been the subject of hundreds of laws over the last century, leading to a fairly rigid structure designed to protect each language group from cultural, economic, or political dominance by the others.

Food, shelter, health care, and education are available to all residents regardless of race, sex, religion, language, social status, or ethnic background. Some 27 percent of the residents of Brussels, the nation's largest city, are foreigners. Many of these are north African and Turkish immigrants. Encouraging the further assimilation of the immigrant population--generally poorer, less skilled, and less educated than average--is increasingly the focus of public debate.

Belgium is a leading advocate of women's rights both within the country and in international meetings on the subject. A number of commissions have been established to ensure that women's rights are protected and to oversee women's education and working conditions. To show the importance attached by the Government to promoting women's rights internationally, a Consultative Commission for the Condition of Women was established within the Ministry of Foreign Affairs.

Physical abuse of women is punishable by law both in theory and in practice. Until recently, however, little factual evidence was available concerning the extent of abuse. According to a 1988 government study, 25 percent of Belgian women had encountered some form of physical abuse, while 13 percent had suffered "moderately serious" physical abuse, and 3 percent "very serious" abuse. In reaction to the study, the Government improved coordination among the various institutions involved in combating the abuse of women, provided better training to police on domestic and sexual violence, and organized an extensive publicity campaign designed to raise national awareness about the abuse of women.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. With 75 percent of its labor force organized, Belgium is one of the most unionized countries in the world and has a long tradition of democratic trade union elections. Labor unions striking or protesting government policies or actions are free from harassment and persecution.

Labor unions are strong and independent of the Government but have important informal links with and influence on many of the major political parties. Unions in Belgium are affiliated with the major international bodies representing labor, such as the International Confederation of Free Trade Unions and the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is recognized and exercised freely. The right to due process and judicial review are guaranteed for all protected activity. In the first instance, the Labor Court reviews matters relating to collective bargaining. Parties then have the right of judicial review by the regular courts. Effective mechanisms exist for adjudicating disputes between labor and management.

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There are no export processing zones, and labor legislation and practice are uniform throughout Belgium.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not occur in Belgium.

d. Minimum age for Employment of Children

The minimum age for employment of children is 16, and it is observed in practice.

e. Acceptable Conditions of Work

Belgian working hours, mandated by law and through collective bargaining agreements, are among the shortest in Europe, averaging about 38 hours a week. There are provisions for a minimum wage, currently \$880 per month for full-time workers over age 21. This provides an adequate minimum standard of living. Workers typically receive at least 4 weeks of vacation and a bonus equal to 1 month's wages each year. Unemployment benefits are also guaranteed. Government policies to promote employment and an extensive system of unemployment compensation and other social benefits have served to minimize serious individual financial hardship. Health and safety legislation exists, supplemented by collective bargaining agreements. Health and safety committees are mandated by law in companies with more than 50 employees. The Labor Court monitors compliance with national laws and standards.

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After 35 years as leader of the Bulgarian Communist Party (BCP), Todor Zhivkov, who was also Chief of State, was ousted on November 10 by a group of Politburo colleagues headed by Foreign Minister Petur Mladenov. Under the new leadership of Mladenov, the BCP renounced its leading role in the State guaranteed by the Constitution and opened the door to political pluralism and democratic elections. The Government, with Prime Minister Georgi Atanasov still in charge, agreed to hold talks with the opposition on the country's future.

While the Ministry of the Interior maintained strict domestic control through the militia, state security officers, internal security troops, border guards, special purpose forces, and informants, one of the new leadership's first acts was to disband the Ministry's department which monitored the political activities of citizens. It is not yet clear, however, whether its functions have actually been abolished or merely transferred to other institutions.

Mladenov and his colleagues have espoused economic restructuring and have pledged that the country will adopt a free market economy. At year's end, however, they continued to rely on a centrally planned economy in which almost all production and commercial facilities are state owned. State controls continue to hamper the limited sector of small-scale private agricultural plots and small businesses.

Under Zhivkov's rule, the human rights situation continued to be characterized by harsh repression. The exercise of such basic human rights as freedoms of speech, press, assembly, and religion in a manner the Communist Party deemed unacceptable was prohibited and punished. The authorities pursued their forcible assimilation campaign directed at the ethnic Turkish minority (about 10 percent of the population), which began in 1984. Hunger strikes and demonstrations by ethnic Turks in dozens of communities in May and again by Pomaks (Bulgarian Muslims) in September led to clashes with security forces and resulted in a number of deaths. The regime used a new passport law adopted in May 1989 to expel several thousands of ethnic Turkish activists. Other ethnic Turks began to stream across the border in an exodus which reached 310,000 by mid-August, when the Turkish Government reinstituted a strict visa regime. Meanwhile, Bulgarian dissidents and Pomaks were usually denied the right to travel.

After November 10, the new leadership took tentative steps to redress many human rights abuses. Bulgarians began to enjoy the freedoms of speech, assembly, and association. Many dissidents received passports and permission to travel abroad. In a major decision, the Government on December 29 condemned the forced assimilation policy and pledged to take measures to guarantee the freedom of citizens to follow their religious and traditional customs and to reassume their Muslim names, forcibly changed at the beginning of the assimilation campaign. If implemented fully, this decision should effectively end the assimilation policies directed against ethnic Turks and Pomaks.

In addition, the National Assembly amended the penal code, deleting many political offenses and amnestying those convicted of those offenses. It also promised liberal laws on assembly and association. The media, although still controlled by the Government, began to report objectively on opposition views.

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The following report primarily describes the human rights situation as it existed before the ouster of Zhivkov on November 10. Some of the institutions and practices that led to widespread human rights abuses apparently were being changed at year's end, and the next annual report is likely to include a significantly different assessment of human rights practices.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There were no reports of politically motivated killings, but a number of peaceful demonstrators were killed by internal security troops in May and September (see Section 1.g.). There were reports of prison deaths caused by torture and beatings.

b. Disappearance

Despite reports that many people were missing for periods of a month or more following May and July demonstrations by ethnic Turks and Pomaks, there were no known permanent disappearances at the hands of security forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture does not appear to be practiced systematically in Bulgaria, many ethnic Turks who fled to Turkey recounted tales of beatings and torture during the May 1989 demonstrations. Most people reported beatings by members of the police and security forces who used their fists and chairs and kicked people, causing broken ribs and other injuries. Beatings with a wooden truncheon covered with rubber were reportedly frequent both in Razvigor, a pretrial detention center in Sofia run by the state security service, and regular prisons. Prisoners were thereafter immersed in a trough of cold water to minimize marks from the beatings. Some persons recounted tales of drugs in their food, psychological torture, electric shocks, cigarette burns, and attacks by dogs. Some state they were beaten repeatedly; a few reportedly died from their beatings.

Since 1977, prisons have been under the jurisdiction of the Ministry of Internal Affairs. Conditions are Spartan. During Zhivkov's regime, political prisoners in many cases were quartered with common criminals, at whose hands they suffered abuse. Other reports indicated that guards routinely beat prisoners or arbitrarily punished them with solitary confinement. Nikola Chamurliski, who was sentenced to 20 years in 1974 for "economic espionage," reportedly refused to work and thus suffered regular beatings and received little food; he is said to be extremely ill in Pleven prison. One ethnic Turk recounted spending 3 months at Belene prison in 1984 in cells with no heat at temperatures of -30 degrees C. Prisoners were allowed little daily exercise; family visits were infrequent and depended on the "strictness" of the prison regime to which the prisoner had been sentenced. In Razvigor detention center, cells are reportedly 2.5 by 1.5 meters, without any windows. Lights are kept burning continuously. People are held individually and are not permitted to speak to

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or even see other detainees. Toilet facilities consist of a bucket in the corner; bathing is permitted once a week, and detainees are shaved by a guard twice a week.

d. Arbitrary Arrest, Detention, or Exile

Although Bulgarian law provides for a judicial determination of the legality of a person's detention, the judiciary under Zhivkov was not independent of executive power and was unable to provide any effective check on executive actions. Persons were detained arbitrarily, without public notice, although the public prosecutor had to be informed within 24 hours of such detention. Human rights activists Dr. Konstantin Trenchev, Anton Zapryanov, Todor Galalov, Nikolai Kolev, Khristofor Subev, and Anton Nikolov were detained in May; their friends and families learned of their whereabouts only after several days, when they inquired of the authorities. Newly appointed leader Mladenov promised a "rule of law" but at year's end extensive reform of the legal system had not yet been announced.

Preliminary detention is limited theoretically to 10 days. Under Zhivkov's rule, the preliminary investigation could take 2 months, during which time detainees could be held in custody if "major state interests impose it." Bulgarian law permits detention for up to 6 months following arraignment and prior to an indictment. Dr. Trenchev and other activists were detained incommunicado and without charges for more than 3 months. They were allowed access to a lawyer only after 2 months, when the preliminary investigation had been completed. They were ultimately released on bail of about \$105 each, under obligation to appear at a hearing when called. Under the criminal code, the accused must be informed of the charges against him, but this requirement was not always observed.

During Zhivkov's rule, persons could also be subjected to a system of administrative control short of imprisonment, whereby they were detained at their place of residence and required to appear frequently at the local police station. Under the law, the militia is authorized to place under administrative control or house arrest not only those who have engaged in criminal activities, but also those who have protested "against organs of power" or shown "antisocial manifestations." Poet Petur Manolov, then secretary of the Independent Society for the Protection of Human Rights in Bulgaria, was confined to Plovdiv in early 1989 on these grounds.

Another form of punishment and control is compulsory domicile or internal exile. During Zhivkov's rule, this was a frequently used tool to isolate political activists from their friends and prevent their being in touch with Western media or foreign embassy representatives. If such persons left despite these prohibitions, they faced possible imprisonment. Ethnic Turk Dzhemil Mekhmedov, arrested in 1985 after protesting the then compulsory name-change campaign, was taken from his family and home village of Ezerovo and placed under compulsory domicile in ethnically Bulgarian villages in the northeast. In June he was allowed to leave for Turkey with his family. Activist Nikolai Ganchev Kolev, accused of not performing "socially useful labor," was detained in March, appeared before a local magistrate, and was sent, without any trial or access to a lawyer, to Bobov Dol for compulsory domicile and labor for a year and a half. Kolev was allowed to return to

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Stara Zagora in April following hunger strikes in his defense and was detained again in May.

Exile or expulsion was utilized as a means of political control from late 1988 until Zhivkov's ouster. Independent Society member Eduard Genov and his family were the first to be expelled in October 1988. Ekaterina Markova and Kristo Svatovski followed him in November, along with Grigor Simov Bozhilov who was turned back at the Austrian border. Tseko Tsekov left Bulgaria in December. Dimitur and Diana Boyadzhiev, of the independent trade union "Podkrepa" (Support), reached Vienna in March 1989, as did Orthodox priest Blagoy Topuzliev. Rumen Tsankov Dimitrov of the "Green Mass" left Bulgaria in April; the group's chairman, Stefan Cholakov, left in May. Petur Manolov, despite his strong desire to remain in Bulgaria, was expelled in May following months of sustained, intensive pressure and harassment, including threatening telephone calls, physical intimidation, isolation, and other forms of abuse. Independent Society activist Vladimir Krustev was expelled in August.

It is not possible to estimate reliably the number of persons subject to arbitrary arrests, other forms of detention, or summary exile up to November 10, 1989. The exact number of Turkish detainees who may still be incarcerated or in internal exile as a result of the 1984-1985 name-change campaign is unknown, although some were expelled and/or allowed to leave the country between June and August 1989, and others were released from prison after the change of leadership in November and the subsequent amnesties.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Bulgarian law and general practice provide for public trial in criminal cases. Defendants are entitled to legal counsel, but only after the preliminary investigation and indictment. During Zhivkov's regime, when defense attorneys were provided, they often cooperated with the prosecution. As a result, one human rights activist in 1989 refused to retain an attorney and chose to defend himself. Lawyer Angel Sokolarsky, who had been disbarred for his overly energetic defense of a client prosecuted for political reasons in 1987, was reportedly reinstated in April 1989. Some defense attorneys enjoy reputations for courage and honesty, despite pressures by the security apparatus.

Special court procedures apply in cases involving state security. Article 262 of the penal procedural code declares that a closed trial may be held when necessary "for the preservation of a state secret or of socialist morality." There is also a system of military courts and a military division of the Supreme Court, in which crimes committed by military personnel and employees of the Ministry of Internal Affairs are tried.

During Zhivkov's regime, the judicial system generally sought to appear to be observing legal norms, but the courts sometimes applied statutes retroactively or extended them to cases of dubious applicability. The penal laws were codified and published, but their circulation was severely circumscribed. Many Bulgarians are unaware of the provisions of their Constitution, which was among the documents confiscated from Petur Manolov in January and dissident priest

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Blagoy Topuzliev when he left Bulgaria in March. There are also separate and sometimes unpublished laws affecting, for example, the military, the people's militia, religious sects, and telephone communications. In addition, there are extensive ministry regulations and generally "understood" administrative measures that remain unpublished. Under Zhivkov, such regulations were frequently invoked in judicial proceedings, and the defendant had little opportunity to question their validity or applicability. Defendants have the right to produce "proofs," as well as the right to appeal a sentence, within 7 days. Of the 21,956 persons sentenced in 1988, however, only 301 were subsequently acquitted.

Political prisoners in Bulgaria include those captured while trying to escape across the borders and ethnic Turks detained for opposition to the name-change campaign begun in 1984. The number of such detainees is unknown. Credible reports, including those documented by Amnesty International (AI) and Helsinki Watch, indicate that many ethnic Turks remained in prison or exile during 1989. Bulgarian human rights activists noted that there were approximately 250 political prisoners in 1989 prior to Zhivkov's overthrow. The amnesties announced in November and December 1989 are believed to have led to the release of many, perhaps most, of these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Before November, the authorities interfered in the private lives of citizens in many ways. In November, however, the Government announced that the arm of the internal security forces which monitored the "ideological" activities of citizens had been abolished. No announcement has yet been made about the other functions of the security forces, which have directed an elaborate system of informers in virtually all workplaces, residential areas, and social organizations to monitor the daily lives of Bulgarians for signs of dissent.

The Constitution charges parents with the "obligation" of attending to their children's Communist education, which was also considered the purview of the State alone. In Kurdzhali in 1988, Turkish children aged 3 to 6 were reportedly required to live in nursery schools during the week and go home only on weekends as part of an official effort to "Bulgarianize" them. The Islamic rite of male circumcision was effectively banned during most of 1989, although the announced end to the campaign to assimilate the Turkish minority should lead to the lifting of that ban. Citizens who did not become members of Communist-dominated mass organizations were denied advancement at work and other benefits.

The monitoring of private telephone conversations and/or correspondence was also common. When one dissident protested to state authorities about the monitoring and cutting off of his telephone conversations, he was told in a letter of reply that his line was "in order" and his complaints were "illegal and unfounded," and he was warned that such violations of the law would be punished. Four of the five human rights activists invited to the Paris Conference on the Human Dimension in May did not receive their invitations because of Bulgarian postal interference.

Sanctity of the home is nominally safeguarded by law, and police may not legally search property without prior permission from a court or prosecutor. However, searches may

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be undertaken in situations the police deem urgent before judicial permission is given. Dissident Petur Manolov's home was searched in January 1989, no warrant was presented, and many documents, including his personal telephone directory and a Bulgarian translation of the 1948 Universal Declaration of Human Rights, were confiscated. Following a lengthy hunger strike and resultant international publicity, all of his documents were returned. The homes of Dr. Konstantin Trenchev and his parents were searched on May 27, and he was given a lengthy itemized receipt for the documents that were taken. To date none of Dr. Trenchev's papers have been released by the authorities.

Bulgaria ceased jamming Radio Free Europe broadcasts in December 1988. The British Broadcasting Corporation's World Service, Deutsche Welle, and Voice of America broadcasts are also heard without interference. The availability of Western publications remains tightly controlled; only Western Communist party newspapers, such as L'Unita and the Morning Star, are regularly sold at newsstands.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Numerous reports indicated that Bulgarian security forces utilized excessive force in putting down mass demonstrations by ethnic Turks in May, just as they had in 1984-1985. Apparently prompted by independent human rights groups, Bulgaria's signing of the Vienna Concluding Document of the Conference on Security and Cooperation in Europe, the Paris Conference on the Human Dimension, and the passage of the new passport law (all widely reported on Western radio stations), hundreds of ethnic Turks began hunger strikes in May to demand the restoration of their Turkish names and their human rights: freedom to speak their language, practice their religion, and maintain their cultural traditions. The hunger strikes were followed by nonviolent marches and demonstrations.

Up to 5,000 internal security troops using tanks and helicopters were called in to quell the demonstrations which took place in many northeastern and southern towns and villages. Although the Government acknowledged that 7 had been killed and 28 wounded, outside conservative estimates run to approximately 30 people killed and 100 wounded.

In a televised speech in May, then chairman Todor Zhivkov declared that every Bulgarian citizen could exercise his right to travel and called upon Turkey to open its frontier to all Bulgarian Muslims. The Government organized mass public demonstrations in May and June denouncing Turkey.

Following the initial expulsion of perhaps 3,000 ethnic Turkish activists, some of whom were suddenly taken from prison or internal exile, thousands of ethnic Turks began to apply for their passports under the new passport law (see Section 2.d.), remove their savings from the banks, and pack up all they could carry. From June through August, until the Turkish Government reinstituted a strict visa regime to control the massive flow of immigrants, more than 310,000 Bulgarian Turks streamed across the border in cars, pulling hand carts, and on foot. (Over 70,000 of these subsequently returned to Bulgaria.) In September Pomaks (ethnic Bulgarian Muslims) in many villages peacefully demonstrated for similar reasons, including the right to travel. Again, Bulgarian authorities used force to end the demonstrations, killing up

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to 10 persons and injuring scores. In December the new regime responded to a peaceful demonstration by Muslims in Sofia by agreeing to repudiate the assimilation policy.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and press, other laws provide severe punishment for the voicing of any belief or conviction which is contrary to official policy or critical of the State. Under Zhivkov's rule, Bulgarians were detained, tried, imprisoned, and exiled for criticism and actions which were political in nature. The penal code provides punishment for "crimes against the People's Republic," "antistate agitation and propaganda," slander against the State, spreading untrue allegations about the Government, and committing acts that create distrust toward the Government. In November the National Assembly repealed some of these articles and released those who had been convicted under them.

The unauthorized disclosure of information, particularly unpublished economic or demographic statistics, is illegal. Reportedly, a law specifying what constitutes an official secret is being drafted, and a new press law is being considered. Many press articles before November endorsed the practice of "responsible" glasnost (openness), i.e., freedom of speech with self-imposed limits for the good of society. After the removal of Zhivkov, the press became much more open, even reporting objectively on some of the actions of dissident groups.

Bulgaria's radio, television, and press remain state owned and state controlled. Although censorship officially did not exist, the media, as well as writers, artists, and those in academic life, operated within implicit party and government guidelines and practiced self-censorship. Before November, forbidden topics typically included unauthorized criticism of party and state leaders, of Communist ideology, and of other Communist countries. Ordinary citizens could express criticism and send complaints to newspapers as well as to National Assembly deputies, but only those on approved topics, such as inadequate service by public agencies and housing shortages, were publicized. Authorized criticism rarely extended beyond specific shortcomings or failures of lower level administrative officials. When television commentator Kevork Kevorkian, moderator of the popular show "Every Sunday," questioned a visiting Soviet official on the continuing need for such slogans as "Proletarians of the World, Unite!," he was temporarily removed from the air. Following his further public complaints in July that he was not being allowed to broadcast what he wished, the show was canceled. The show was brought back in November, allegedly after Mladenov's personal intervention.

Bulgaria began to move toward Soviet-style glasnost late in 1989, but the country's record was generally checkered. In January the official press viciously attacked the country's first independent human rights organization while ignoring the arrest of its members. An article criticizing the National Assembly as a "rubber stamp" was published in July, as was increased criticism on the lack of glasnost in various government branches and enterprises.

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Until Mladenov's ascendancy, there was no unofficial publishing in Bulgaria. One Bulgarian produced an independent newsletter, "The Alternative," in July on a computer; the first issue included the text of the Universal Declaration of Human Rights, an editorial on the paper's intent and function in a "totalitarian Communist system," the Intellectual Club's May declaration on glasnost, and Blaga Dimitrova's hitherto unpublished speech at the March Congress of Writers on the misuse of language in Bulgarian society.

Dissatisfied intellectuals had formed a group in late 1988 calling for increased glasnost and more rapid perestroika (restructuring). Several members of this "Independent Discussion Club in Support of Glasnost and Preustroistvo" were subsequently expelled from the BCP as a result of their activities. In May they circulated an appeal to the National Assembly for greater glasnost, including the right of citizens to express their opinions and to receive and circulate all kinds of information. Although this appeal was broadcast on Radio Free Europe, it was never acknowledged or officially published in Bulgaria.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, but in practice during the Zhivkov regime only public demonstrations of support for the Government or party were allowed, and the party decided which social and political organizations could exist. New, more liberal legislation governing assembly and association was being considered by the National Assembly at year's end.

Under Zhivkov, all authorized associations were government controlled, and the law provided punishment for anyone founding an illegal organization. Seven Bulgarians founded the country's first independent human rights organization, the "Independent Society for the Protection of Human Rights in Bulgaria," in January 1988. In June of that year, the Government founded a "Committee for Human Rights," which has refused to assist members of independent organizations on the grounds they were not legal. Independent groups have proliferated since that time: in November 1988, the "Independent Discussion Club for the Support of Glasnost and Preustroistvo" (intellectuals), the "Democratic League for the Defense of Human Rights" (a primarily ethnic Turkish group), and the "Party of the Green Masses" (an alternative political party); in January 1989 the "Association to Support Vienna '89" (another ethnic Turkish group); in February the independent trade union for scientific, technical, cultural, and educational professionals "Podkrepa" (Support); in March the "Committee for Religious Rights, Freedom of Conscience, and Spiritual Values"; in April the "Moslem Initiative Group" and "Eco-glasnost" (an environmental group); in the spring the "Citizens' Initiative" (an autonomous branch of the "Independent Society" in Ruse); and in July "Committee 273," to support all those detained under Article 273 of the Constitution for antigovernment propaganda.

Most of these groups applied for registration in order to receive the status of a juridical person, which is the only way to have a bank account and own property. The Government refused registration to all and deemed all of them illegal, until, in December, a Sofia court ordered that Eco-glasnost be permitted to register. The Government also refused to allow any of the independent groups the use of restaurants or public

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halls for their meetings. It prevented the party conference of the Green Masses in both April and June and broke up an outdoor assembly of Eco-glasnost in July. Members of Eco-glasnost were beaten by police and forcibly removed from one Sofia park to another while they were collecting signatures for a petition during the October meeting of the Conference on Security and Cooperation in Europe on the environment. In December the National Assembly passed a resolution condemning the police action and calling for an investigation and compensation for the victims.

c. Freedom of Religion

The new leadership has not yet addressed church-state relations. Although the Constitution provides for freedom of worship, the authorities under the old regime espoused atheism and discouraged religion. Openly expressed religious conviction was incompatible with party membership or attainment of responsible government or other positions.

Church-state relations are regulated by a division of the Ministry of Foreign Affairs. Before November, it reviewed all clerical appointments and had imposed clergy on local congregations over the opposition of parishioners. No church buildings could be constructed without official permission, and the committee determined whether or not existing numbers of churches for various denominations were adequate. Religious and prayer groups could be organized and services conducted privately, according to officials. No religious groups could engage in open proselytizing, and foreign missionary activity was banned. Authorities confiscated imported religious materials. No parochial schools could exist.

A number of faiths are recognized or tolerated. The Bulgarian Orthodox Church, which was the established church before the Communists took power, is the largest, with a reported following of 6 million nominal adherents out of a population of 9 million. Functioning as a quasi-official church, it receives government financial support and echoes government propaganda. The church is allowed to print a newspaper, although the last Bulgarian-language Bible, only 2,000 copies of which were published, appeared in 1982; no Bibles may be imported. In 1989, for the first time since 1946, the Patriarch was permitted to present Christmas greetings on television and radio. The Orthodox Church is allowed to distill and market some alcoholic beverages and sell some religious articles, such as candles and small jewelry crosses. There is a seminary for Orthodox priests whose curriculum is approved by the State.

The independent "Committee for Religious Rights, Freedom of Conscience, and Spiritual Values," founded by Orthodox priest Father Khristofor Subev, was repudiated and denounced by the official Orthodox church hierarchy. Father Subev was sent into internal exile in January after having led illegal processions of believers, carrying icons, through the streets of Veliko Turnovo. His group called for an end to political interference in church affairs and religious life, for freedom of conscience, freedom of religious information, legalization of religious charitable work, and religious tolerance. In December his group demonstrated in Sofia without repercussions.

Approximately 60,000 Roman Catholics are divided between followers of the Latin and Uniate rites. Bulgaria reportedly

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has only 32 Catholic priests now, as opposed to about 200 when the Communists took power. Importation of the French newspaper *La Croix* has been forbidden, but selected priests have been able to travel to Rome and to receive the Vatican's official paper, *L'Osservatore Romano*. The Government in 1988 made grants to the three Catholic dioceses of Sofia, Plovdiv, and Ruse.

Other religious denominations in Bulgaria have few adherents. There are 10 Armenian churches in the country, and the Armenian community publishes a biweekly newspaper. Various Protestant groups, including Baptists, Pentecostalists, Methodists, and Seventh-Day Adventists, reportedly suffer continuing problems with the authorities. In February government officials characterized Pavel Ignatov and his Church of God congregation as schismatics and dismissed allegations of repressive measures against the group. In May a member of Ignatov's congregation reported that, following the Easter visit of an American pastor, Timothy Kornet, the man who had interpreted for Kornet was thrown out into the street with his pregnant wife, and pastor Ignatov lost his job. In April a group of evangelical Protestants primarily from Denmark called "Pilgrims of Jerusalem" traveled around Bulgaria holding religious services. The Government expelled them after 2 months.

Although some reports indicated that the Dunovist sect, an indigenous movement which flourished in pre-Communist Bulgaria, is outlawed, government officials claimed that Dunovists are legal. The Ba'hai faith is outlawed.

The Jewish minority numbers approximately 3,000 people. It receives some financial support from the Government and publishes a biweekly paper stressing Communist themes. A Jewish social, cultural, and educational organization exists, but it is atheistic and political in orientation. Visits between the Bulgarian Jewish community and Israeli Jews of Bulgarian origin are frequent, although subject to government control. The cantor of Sofia's synagogue went to New York in 1988 and 1989 for cantorial training. No kosher meat is available, but Jews are permitted to bake and distribute matzoh without hindrance.

Ethnic Turks (approximately 1 million) comprise the majority of Bulgaria's Muslims, the remainder being Slavic Pomaks (about 200,000) and Gypsies. On December 29, the Government announced that it condemned the actions taken since 1984 to assimilate the minority and pledged to take measures to ensure that true freedom of faith, voluntary choice of name, and the right to speak languages other than Bulgarian in everyday communications would be guaranteed. There has been some popular opposition to this announcement, and some local officials reportedly have refused to comply. The effects of this assimilation policy were far-reaching: most mosques were closed, and many were used for storerooms or nursery schools. Those that remained open usually operated only for Friday noon prayers rather than the mandatory five times a day. Chief Mufti Nedyo Gendzhev, elected in November 1988, reportedly instructed local imams to keep people under 60 years of age out of those mosques that remain functioning.

As part of the Government's campaign to eradicate the cultural identity of the Turkish community, many Muslim rites were forbidden. Muslim wedding ceremonies were not permitted, and Turkish weddings could not take place in the streets, as is

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the tradition; they had to be conducted in closed halls, and the singing and playing of Turkish songs was forbidden. Many Muslim cemeteries were destroyed or defiled, and separate Muslim cemeteries were reportedly abolished. Muslim funerals were generally not permitted, although there were credible reports that Muslim funerals, or at least burials in non-Christian places, were again permitted beginning in September. Sermons had to be delivered in Bulgarian, and the Chief Mufti's office records had to be kept in Bulgarian. Public use of the Turkish language was forbidden, as was the wearing of traditional forms of dress. Violators were subject to substantial fines. Circumcision, which some newspaper articles have derided as "unhygienic," is hypothetically permitted only in hospitals, without the religious ceremony which accompanies it. In practice, it was forbidden.

In defense of its treatment of the Muslim minority, the Government prominently publicized the amount of money spent to restore Shumen's Tombul mosques, and there were claims that three more mosques are to be restored and two new ones built. After years of refusing permission, the Government allowed six Bulgarian students studying at the Higher Islamic Institute in Tashkent to make the hajj in 1988. Five Bulgarians made the hajj in 1989; one, the Imam Kurdzhali, later sought asylum in the Turkish Consulate in Jeddah. A school for imams has operated in Sofia since 1986, although its 6-month course includes heavy political content. Copies of the Koran cannot be found in Bulgarian bookstores. In February the Chief Mufti claimed work was in progress on a third Bulgarian translation of the Koran, but by year's end there was no indication when, or if, it would be published.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls where people live, work, and travel. Citizens are required at all times to carry with them personal identity cards stating their legal place of residence and work. Without this card they cannot register at a hotel, purchase domestic airline tickets, or seek any kind of social service such as medical assistance. Changing one's place of residence or work is a complicated process unless it is at the Government's initiative or convenience. Moves to Sofia and other major cities from smaller settlements are especially difficult, and in some cases prohibited, because of the authorities' desire to control urban growth. This concern gave rise to the practice of "zhitelstvo," or the right of residency. A newspaper article in 1989 criticized existing restrictions, and quoted an advisor to the Council of Ministers as saying that limitations on residence "run counter to the legally established human rights and to the Constitution."

Bulgarians may travel within the country without restriction except in border zones, which are heavily patrolled by armed guards where the country adjoins Greece and Turkey. In August 1988, the Government announced a 75-percent reduction in the permanently restricted area, encompassing regions closed to foreigners. Although some of the newly opened areas included those with large ethnic Turkish populations, a significant area along the Turkish and Greek borders remains closed. During and subsequent to the demonstrations in May, diplomatic travellers were turned away from areas clearly within the unrestricted zone.

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A Bulgarian citizen needs both a passport for external travel and an exit visa specifying the destination for each trip. In May the National Assembly passed the long-promised passport law mandating the issuance of 5-year passports for all citizens. Although according to the law passport applications may be refused only in specific circumstances, these include "the protection of national security," which is susceptible to broad interpretation. Since November, many dissidents and members of independent groups have been given passports and permission to travel. At year's end, however, many Pomaks had still not been issued the passports they had requested.

Exit visas, which under Zhivkov's rule were still required for all non-Communist countries, could also be refused for a variety of reasons. According to other legal changes, Bulgarians who traveled abroad and did not return by the time specified were no longer subject to criminal penalties and possible imprisonment but only to administrative measures and fines (\$210 for overstaying 1 month and upwards). Those who overstayed abroad prior to September 1, 1989, were not subject to the fines or criminal penalties.

The Government also substantially reduced the number of unsettled divided family cases involving the United States and Western Europe. Thousands of divided family cases remain between Bulgaria and Turkey, however. This already severe problem was exacerbated in 1989 when the Government decided selectively to apply the new passport law before it went into effect officially on September 1. Between June and August, more than 310,000 Bulgarian Turks crossed the border into Turkey. In most of these cases, however, family members were left behind--persons required for the harvest, young men of military age, or others kept behind for arbitrary reasons.

In theory, all Bulgarians now have the right to leave their country and to return. Changes in the citizenship law passed in May ensured that a Bulgarian could only be stripped of his citizenship while abroad, and then only for committing "a severe crime" against Bulgaria. The law now allows dual citizenship as well.

Those who return to Bulgaria are said to retain all their rights. Some reports, however, indicated that returning ethnic Turks may not return to their home villages but are resettled and dispersed throughout the country.

It is Bulgarian policy to return to their home countries potential refugees from other Warsaw Pact states who try to cross the Bulgarian border into Turkey, Yugoslavia, or Greece. A Romanian who sought political asylum from the U.S. Embassy in Sofia and who was then caught trying to cross the Bulgarian border to Yugoslavia was forcibly returned to Romania, where he faced imprisonment. In September 1988, 13 Magyar Romanians sought refuge in the Hungarian Embassy in Sofia; that situation was resolved in February 1989 when they were permitted, through the auspices of the International Red Cross, to leave Bulgaria for a third country, from which they then traveled to Hungary.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In December the BCP proposed that the guarantee of its leading role in the State be removed from the Constitution. The National Assembly voted in support of this change and will

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take the formal vote to amend the Constitution in January 1990. The Assembly also called for a new election law leading to "free, democratic elections" by May 1990. Meanwhile, the BCP leadership effectively governs Bulgaria, although the National Assembly has begun to exert some influence.

Political pluralism and free participation in the political process did not exist under Zhivkov's regime. In November 1988, two Bulgarians, Stefan Cholakov and Rumen Tsankov-Dimitrov, founded the Party of the Green Masses, a social democratic organization. They applied for registration and legalization; Cholakov was detained on January 6, 1989, and Tsankov-Dimitrov on December 26, 1988. Both men were held without charges for 2 months. In an announcement on April 2, the two founders noted that up to that time they had received no answer "other than our detention." Both subsequently left Bulgaria.

The former regime pretended to a form of pluralism through the participation of a second political party, the Bulgarian National Agrarian Union, in the Government and National Assembly. However, the Agrarian Union professed no differences of view with the BCP on any issue. Since November, there has been a change in the leadership of the Agrarian Union, and some members of the Union have called for it to assume a more independent position. Still, Agrarian Union officials have not strayed far from the BCP on any issues yet. The Communist and Agrarian Parties, together with labor, youth, and other groups, comprise a mass organization known as the Fatherland Front, which is wholly controlled by the BCP. The Fatherland Front has been the only organization permitted to present candidates for election. Following constitutional changes in 1987, so-called multicandidate elections were held on the local level in February 1988. Less than 20 percent of these elections involved more than one candidate; all candidates were prescreened by election commissions and all supported the BCP. There have been no elections since that time.

Through most of 1989, the National Assembly functioned as a rubber stamp, approving party policies and proposals. A newspaper article in July criticized the legislative body for its invariable unanimity. While the Assembly, since November, has begun to assert its right to function as a genuine legislature, it has not so far opposed any measure proposed by the new leadership. It took the initiative, however, to call for an investigation into the October 20 police action against members of Eco-glasnost.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Under Zhivkov's regime, the Government dismissed any criticism of its human rights record as part of an "anti-Bulgarian campaign" and/or interference in its internal affairs. Bulgaria signed the Vienna Concluding Document of the Conference on Security and Cooperation in Europe but did not change its traditional response to charges of human rights abuses. Bulgarian officials noted that, although they were obliged to respond to requests for information, no specific time period was spelled out. In some individual cases, however, in which Western government or private groups have pressed for a response, the Government has provided information. The Government responded to a March U.S.

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demarche on Iliya Minev, chairman of the Independent Society, who was then on a hunger strike. Western publicity and criticism on the eve of the London Information Forum led to the release in April of Nikolai Ganchev Kolev, who had been sent into internal exile. Authorities did not respond to an August demarche on Dr. Trenchev and the other five activists detained along with him. The six detainees were released on September 4, presumably in response to intense outside interest. The new leadership has repeatedly emphasized its determination to bring Bulgarian law and practice into line with its commitments to the Conference on Security and Cooperation in Europe and has taken some initial steps in this direction.

In March a Bulgarian official unsuccessfully tried to prevent condemnation by the Organization of the Islamic Conference (OIC) of Bulgaria's treatment of its ethnic Turkish minority. He reiterated the standard government line that there are no Turks in Bulgaria and that the OIC's accusations were interference in Bulgarian internal affairs.

Bulgaria's treatment of its ethnic Turkish minority prompted many international inquiries in 1989. A Council of Europe delegation visited Bulgaria in July to analyze the situation. The United States Congress passed a resolution, also in July, condemning Bulgaria's "expulsion" of thousands of ethnic Turks. The North Atlantic Treaty Organization in August issued a statement critical of Bulgaria's policy. The Government allowed a visit by a World Health Organization (WHO) team in August to investigate Turkish allegations of harmful vaccinations given to Bulgarian ethnic Turkish emigres. The WHO reported that its commission found that no injections containing harmful substances had been administered to the Turkish-speaking population.

In September 1988, AI representatives visited Bulgaria (having sought permission since 1985) and met with Bulgarian officials responsible for human rights matters. They also met with Konstantin Tellalov, chairman of the government-sponsored Committee for Human Rights. Members of Helsinki Watch visited Bulgaria in October and spoke to both government officials and private citizens. Bulgaria is a member of the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination based on these criteria. In recent years, the Government under Zhivkov denied the existence of any minority ethnic groups and hence even the possibility of discrimination. Census reports, which in the early 1960's noted the existence of significant numbers of Gypsies, Macedonians, and ethnic Turks, more recently reported an almost totally homogeneous Bulgarian populace. The Zhivkov regime admitted the existence of differing religious groups, such as "Bulgarian Muslims," but rejected the possibility of any religious intolerance or discrimination against them. It did not publicly distinguish between those Muslims who are of ethnic Turkish origin and those who are ethnically Bulgarian (Pomaks), although credible reports indicated that the latter are still not being permitted to emigrate to Turkey.

During Zhivkov's rule, ethnic Turks, comprising at least 10 percent of the population, were subject to severe restrictions

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and discrimination in a systematic effort to destroy their cultural identity (see Section 2.c.). During the forced assimilation campaign of 1984-85, all Turks were assigned new Bulgarian given and family names. Only these names appeared on their new identity cards, issued from January to March 1985. Because no adult Bulgarians received new identity cards during this period, the date of issuance effectively functioned as a code, signaling to the authorities that its bearer is an ethnic Turk. Pomak names were "Bulgarianized" in 1974; one Pomak claimed his name was changed three times: in 1972, 1974, and 1975. Gypsies' names were changed to Bulgarian names in the 1970's.

In the army, Gypsies, ethnic Turks, and soldiers imprisoned for various crimes, who must complete their military service after completing their sentences, are reportedly assigned only to "black" work in labor brigades in the interior of Bulgaria; they are not allowed to bear arms.

There is pervasive social discrimination against the small Gypsy population, which generally lives in shantytowns and occupies the lowest rung of the socioeconomic ladder. There are no reliable estimates as to their numbers; some officials have claimed as few as 40,000, and some dissidents have claimed as many as 1 million.

The Constitution declares that "women and men enjoy equal rights," and there does not appear to be overt discrimination as regards educational and professional opportunities. There is no evidence of systematic violence against women or of widespread wife beating. According to the Ministry of the Interior, of the more than 68,000 crimes committed in Bulgaria in 1988, less than 2 percent were "violent" or "premeditated," including murder and rape.

Section 6 Worker rights

a. The Right of Association

The Communist Party organizes and totally controls all trade unions, which are grouped together in the Central Council of Bulgarian Trade Unions (CCTU). The unions' role is to promote government and party objectives. Workers have not been permitted to organize outside the official union structure, nor allowed to strike. In November the CCTU declared that it was now completely independent of the BCP and the state organs, and that it would devote itself to promoting the rights and economic interests of workers.

The country's first independent trade union was founded in February. Dr. Konstantin Trenchev founded an "independent association of the scientific-technical, humanitarian, and creative-artistic intelligentsia in Bulgaria." Called "Podkrepa" (Support), the union has gathered significant support, especially in November and December; it now reportedly has 70,000 members. Although the group has no official recognition as a trade union, the Bulgarian media after November reported objectively on its activities. Podkrepa has engaged in dialog with the official unions on several occasions.

The CCTU is affiliated with the Communist-controlled World Federation of Trade Unions.

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In its 1989 report, the ILO's Committee of Experts again criticized the monopoly on organizing workers that Bulgarian law grants to the official unions, as well as the subservience of the official unions to the BCP. The Committee called on the Government to indicate measures taken or contemplated which would recognize the right of workers to organize independent unions.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining in Bulgaria. A new labor code, in force since January 1987, and a "restructuring" of unions in the spring of 1987 were intended to shift the focus of union decisionmaking from the apex to its base. Despite the much heralded arrival of "self-management," there is no indication, thus far, that the role of the official unions has changed substantially.

Bulgaria has one functioning duty-free zone in Ruse, and plans to establish three more in the future. Workers in these zones are subject to the same laws and regulations as other workers in Bulgaria.

c. Prohibition of Forced or Compulsory Labor

The Constitution declares that "every able-bodied citizen is obliged to do socially useful work." Those who do not work may be charged with "vagrancy" or social parasitism; Article 39 of the Statutes of the People's Militia authorizes the imposition of "administrative measures," such as house arrest, on "people who lead nomad lives or beg as opposed to doing social labor." Compulsory labor may be required of prisoners or those in internal exile. Political detainees in 1989 reported that they had worked in various capacities while in detention and that those who refused to work were beaten and given less food. Human rights activist Eduard Genov, interned in the village of Mikhalkovo prior to being exiled, reportedly worked in a mine. During Zhivkov's regime, the Government also abused compulsory military service obligations by utilizing ethnic Turks, Gypsies, former prisoners, and others who were not fully trusted in labor brigades.

As a result of the exodus of thousands of ethnic Turks which caused serious dislocations in the Bulgarian economy, the Government in July enacted a labor mobilization decree which authorized the State to send people wherever their labor was needed. Students were sent to factories to fill the vacancies left by ethnic Turks, in addition to performing the usual harvest work assigned them in the late summer and fall.

d. Minimum Wage for Employment of Children

The Labor Code adopted in 1986 stipulated 16 years as the minimum age for all but certain light work. Persons from 16 to 18 years of age may not be assigned work designated as heavy, harmful, or dangerous; their workweek is either five 7-hour days or six 6-hour days. These restrictions are effectively enforced. Seven years of compulsory education for children begin either at age 6 or 7.

e. Acceptable Conditions of Work

The minimum wage, as of September 1, 1988, was \$82 per month at the official commercial exchange rate. The average monthly wage is the local currency equivalent of \$140 at the

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commercial rate of exchange. The minimum wage is not sufficient for a single wage earner to provide a decent standard of living for a family. In families with two working spouses, the average wage provides, at best, a modest standard of living.

The workweek for adults is 42.5 hours (5 days of 8.5 hours) in most professions and occupations. The civil mobilization decree of July 1989, however, provided for compulsory 6-day workweeks and 9-hour days in many professions. Paid vacations range from 14 workdays annually for those who have worked less than 10 years to 18 workdays annually for those who have worked more than 15 years. Additional paid vacation is granted those in certain difficult or dangerous occupations. Bulgarian practice appears generally to conform to these guidelines, although participation in unpaid supplementary "brigades" can lengthen working hours on various occasions during the year.

Bulgaria has a national labor safety program, and the official trade unions are assigned a role in promoting job safety. Standards of enforcement vary greatly, however, and questions of worker health and safety are not satisfactorily resolved.

CANADA

Canada is a constitutional monarchy with a federal parliamentary form of government. Representatives in the multiparty political system are elected by universal suffrage at local, Provincial, and Federal levels. The national Constitution defines government responsibilities and is subject to interpretation by an independent judiciary. Federal and Provincial election mandates last a maximum of 5 years. Elections are completely free and often result in a changeover of power to opposition parties.

Federal, Provincial, and municipal police forces are responsible for national and local law enforcement. An elected civilian government controls the armed forces, which have no role in domestic law enforcement except in strictly defined national emergencies.

Canada has an open economic system that encourages private ownership, investment, and entrepreneurship.

Canada's human rights performance in 1989 was exemplary. The Charter of Rights and Freedoms, added to Canada's revised Constitution in 1982, provides fundamental rights and freedoms to everyone. Government and private organizations try to ensure that these rights are respected in practice at all levels of society. Canada actively promotes respect for human rights around the world.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no politically motivated killings. However, Canadian authorities and the general public are concerned about the potential for terrorist activity by Sikhs and members of other resident ethnic groups with active ties to troubled homelands. United Kingdom authorities have approved the extradition to Canada of a Sikh, formerly resident in British Columbia, who stands accused of having placed a bomb on a Canadian airplane in 1985 that killed two baggage handlers in Tokyo's Narita Airport.

b. Disappearance

Secret arrest, clandestine detention, and politically motivated disappearances did not occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

These abuses are prohibited by law, and none was reported.

d. Arbitrary Arrest, Detention, or Exile

Canadian law prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice.

In January 1989, a law came into effect which strengthened the authority of the Federal Government to detain claimants to refugee status and swiftly deport those found inadmissible.

CANADA

A 1988 law authorizes the Federal Government to take special measures to ensure safety and security during national emergencies. The intent of the law is to define the kinds of emergencies under which the Government may assume extraordinary powers, including the suspension of basic civil liberties. This law replaced the older and more loosely defined War Measures Act. The 1939 Official Secrets Act prohibits the private possession, distribution, and publication of information deemed prejudicial to the interests of the State and provides that persons under suspicion may be arrested without a warrant.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is based on English common law on the Federal level and in most Provinces. In the Province of Quebec, the judicial system is based on the Napoleonic Code. Judges in Canada are appointed. In criminal trials, Canadian law provides for a presumption of innocence of the defendant until proven guilty, as well as the right to a public trial and to counsel. Free counsel is provided to indigents.

The Official Secrets Act provides that trials concerning national security be held in secret with certain presumptions in favor of the State. Prosecutions under this statute are extremely rare, and convictions hard to sustain on appeal. There are no political prisoners in Canada.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Federal and Provincial governments do not interfere with a person's basic rights. Obtrusive searches may only be carried out when there is a reasonable basis for assuming that the person is involved in criminal activity. Police officials face the possibility of judicial penalties if they invade a person's privacy without first obtaining a search warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for by the Constitution and respected in practice. Laws prohibiting certain forms of hate literature and pornography, restrictive decisions by provincial film censorship boards, and legislation which specifically protects language and cultural rights are the sole exceptions to these freedoms. The Canadian Human Rights Act makes it illegal to make repeated communications by telephone that expose persons to hatred or contempt. In July 1989, the Human Rights Tribunal, created by mandate of the Canadian Human Rights Act, ordered a white supremacist group in Alberta to stop playing an anti-Jewish taped message over the telephone.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed. Permits are not required for meetings.

For a discussion of freedom of association as it applies to trade unions, see Section 6.a.

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c. Freedom of Religion

There is complete freedom of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within or outside Canada, including the rights of emigration and repatriation. Canada continues to be a haven for many refugees and displaced persons. Widespread concern that many economic refugees have taken advantage of Canada's generous refugee law and made spurious requests for asylum led to the passage of a new refugee law, which went into effect on January 1, 1989. By successfully discouraging claimants from such countries as Portugal and Trinidad, where the conditions that generate valid claims for refugee status are generally lacking, this law brought about a 50-percent reduction in asylum applications. As of August, 78 percent of applications processed since the beginning of the year had been accepted. The backlog of refugee applications prior to 1989 is being processed under separate procedures.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Canada is governed by Federal and Provincial governments that are freely elected by the Canadian people through universal suffrage. Legislative elections must be held at least every 5 years, and voter participation rates are high. The Governor General is the Queen's representative as Head of State. In practice, power is exercised by the Prime Minister and the Cabinet, who usually are elected members of the 295-seat House of Commons. Three main parties are represented in the Commons, and several others function at the Provincial level. All Provinces and territories have similar freely elected legislatures.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Canada actively promotes human rights in international forums, and the Federal Government encourages nongovernmental organizations to pursue investigations of human rights abuses throughout the world. The Canadian Human Rights Commission and its Provincial counterparts investigate and resolve complaints of discrimination in public and private sector activities under governmental jurisdiction.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion. Article 15 of the Charter of Rights and Freedoms guarantees equal benefits and protection of the law regardless of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. These rights are respected in practice. However, a variety of groups continued in 1989 to express concern that the adoption by Canada of a constitutional accord, known as the "Meech Lake Accord," granting Quebec special status as a "distinct society" could endanger the rights of women and of linguistic and cultural minorities throughout Canada. The

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accord, signed by the Prime Minister and the Provincial Premiers and approved by Commons in 1987 but not yet approved by all the Provincial legislatures, is seen by some groups as threatening the promise of equal rights for women and minorities set forth by the Charter of Rights and Freedoms.

Women's groups have been effective in bringing the issue of family violence to the fore. In a June 1987 report, a Canadian Advisory Council on the Status of Women estimated that 1 in every 10 women is physically, psychologically, or emotionally abused by her spouse or partner. Federal and Provincial governments have attempted to address the issue of family violence. In June 1988, the Federal Government appropriated \$40 million for the construction of new shelters for battered women and their children, for police education on how to deal with domestic violence, and for research.

Ontario Province enacted a far-reaching law that took effect on January 1, 1990, which requires that all employers (public and private) with more than 10 workers provide equal pay to men and women for work of comparable skill and provides a formula for evaluating and comparing jobs traditionally held by women with those traditionally held by men. Women enjoy marriage and property rights equal to those of men.

Section 6 Worker Rights

a. The Right of Association

Workers in both the public and private sectors have the right to associate freely and to strike. The Canada Labour Code, which covers all employees under Federal jurisdiction, protects these rights at the Federal level, while Provincial labor legislation protects all other organized workers. Trade unions are independent of the Government and may freely affiliate with international organizations. About 36 percent of Canada's nonagricultural work force is organized into trade unions. All workers' rights protected in law are respected in practice. The Canadian Labor Congress is a member of the International Confederation of Free Trade Unions, and many of its member unions are branches of American Federation of Labor and Congress of Industrial Organizations unions.

In practice, certain groups of essential public sector employees are not allowed to strike. Restrictions vary from province to province. The 17,500-member British Columbia Nurses Union struck legally in June 1989, while 1,000 Quebec nurses struck illegally in September 1989.

b. The Right to Organize and Bargain Collectively

Workers in both the public and private sectors have the right to organize and bargain collectively. Collective bargaining is protected by law and freely practiced, though some essential public sector employees have limited collective bargaining rights, which vary from province to province. Antiunion discrimination is banned by law, and there are effective mechanisms for resolving complaints. All labor unions have full access to mediation, arbitration, and the judicial system. Canada has a limited number of export processing zones, and labor laws and practices within them are consistent with Federal and relevant Provincial laws and practice.

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c. Prohibition of Forced or Compulsory Labor

Forced labor is illegal and is not practiced.

d. Minimum Age for Employment of Children

Child labor legislation differs among the provinces. The Federal Government generally prohibits those under 17 years of age from working for the Federal Government while school is in session. Provinces generally prohibit those under age 15 or 16 from working without parental consent, working in any hazardous employment, or working at night. These prohibitions are effectively enforced through inspections conducted by the Federal and Provincial labor ministries.

e. Acceptable Conditions of Work

Labor standards vary from province to province, but all limit the standard workweek to 40 or 48 hours. Minimum wages are established in both Federal and Provincial jurisdictions. The Federal minimum wage, covering about 10 percent of the Canadian work force, is about \$3.40 per hour. A lower minimum wage covers minors. Collectively, only 1 percent of workers governed by the Federal minimum wage are paid at the minimum. Eight percent of all workers are paid at the respective minimum wage covering their class of employment. Lower minimum wages for minors are being phased out. A family with only one employed member working at the minimum wage would be below the poverty level. All Provinces have established minimum wages higher than the Federal minimum.

The Federal Government establishes health and safety standards for the approximately 10 percent of workers covered by Federal labor legislation. Provincial legislation provides for health and safety standards for other workers. Federal and regional authorities enforce these standards through inspections.

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Cyprus has been divided since the Turkish military intervention of 1974, an event which followed a coup d'etat directed from Greece. Since that time, the southern part of the country has been under the control of the Government of the Republic of Cyprus, and the northern part under an autonomous Turkish Cypriot administration supported by the presence of Turkish troops. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus," which has been recognized only by Turkey. In 1985 it held a constitutional referendum and "presidential" and legislative elections.

The internal political systems of the Republic of Cyprus and the Turkish Cypriot administration are democratic and based on free elections, and they guarantee basic human rights to their populations in both theory and practice.

Free enterprise, private initiative, and the right to own property are characteristic of both Cypriot economies. The economy in the south has prospered in recent years, benefiting especially from tourism and manufactured exports. The economy in the Turkish Cypriot area is closely linked to that of Turkey and has significant underemployment. State enterprises play a large role in the Turkish Cypriot economy.

The conflict between the Greek and Turkish Cypriot communities during the 1963-74 period, the Turkish intervention in 1974, and the subsequent presence of Turkish troops in the north have led to continuing charges of human rights violations. These events resulted in the uprooting of Greek Cypriots and Turkish Cypriots from the northern and southern parts of the island respectively, and the loss of lives, homes, and livelihoods.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no political or extrajudicial killings.

b. Disappearance

There were no reports of persons abducted, secretly arrested, or held in clandestine detention during 1989. However, the issue of persons missing during the 1963-74 period remains a source of dispute between the Greek Cypriot and Turkish Cypriot communities. The Tripartite Committee on Missing Persons established under the auspices of the U.N. Secretary General in 1981 continued its investigations into this issue during 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community specifically prohibit torture. Freedom from cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice in both communities.

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d. Arbitrary Arrest, Detention, or Exile.

Freedom from arbitrary arrest and detention is guaranteed by law and respected in practice by the Government of Cyprus and Turkish Cypriot authorities. Preventive detention is not legally authorized, nor has it been reported in practice. No one may be held for more than 1 day for investigation of a crime without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 to 10 days before formal charges are filed. Attorneys have free access to detainees. No instances of exile were reported.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

In both parts of Cyprus, fair public trial is guaranteed by law and exists in practice. The judiciary is independent of executive or military control. Defendants have the right to be present at their trials, to be represented by counsel (at government expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense. Cases are generally tried before a judge or panel of judges, although a request for a jury trial is usually granted. There are no special courts to deal with security or political offenses. Civilians are not tried by military courts. There are no political prisoners in Cyprus.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community include provisions protecting the individual against arbitrary interference. A judicial warrant is required, for example, for a police official to enter a private residence. Abuses of privacy run counter to the democratic traditions of both communities. However, Turkish Cypriots continue to complain that mail coming through the Republic of Cyprus postal system is often delayed, opened, or not delivered.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These rights are provided for by law and are widely and freely practiced throughout the island. The press is free and represents the entire political spectrum. There is no press censorship, but the authorities exercise monopoly control over radio and television. Legislation was passed by the Republic of Cyprus in 1986 giving each party represented in Parliament a seat on the board controlling the Cyprus Broadcasting Corporation. A draft bill in the Greek Cypriot House of Representatives would authorize private broadcasting. In addition, the proliferation of party and independent newspapers in both communities enables ideas and arguments to circulate freely.

Opposition papers on both sides of the island frequently criticize the authorities. When a prominent Turkish Cypriot politician in 1989 made statements and published articles critical of Turkey's relationship with northern Cyprus, the Turkish Embassy requested that he surrender his Turkish passport to it, which he did. Since most states do not

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recognize "Turkish Republic of Northern Cyprus" passports, this severely restricted his freedom of movement outside of northern Cyprus.

For a discussion of freedom of association as it applies to trade unions, see Section 6.a.

b. Freedom of Peaceful Assembly and Association

The freedom to associate, organize, and hold meetings is guaranteed by law and respected in practice.

c. Freedom of Religion

Freedom of religion is respected in Cyprus. In the south, the vast majority of the population is Greek Orthodox; in the north, Sunni Muslim. The Greek Orthodox Church in the south has the character of a state institution. Missionaries are permitted to proselytize in both communities. There is, however, some hesitation on the part of the Government of Cyprus to allow such activities to go on in an unrestricted manner owing to the primacy of the Greek Orthodox Church.

Approximately 100 Turkish Cypriots who still live in the south of the island are allowed to practice their religion freely. In the north, non-Muslims include approximately 700 Greek Cypriots, over 300 Christian Maronites, and some foreign residents--all of whom are free to practice their religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Turkish and Greek Cypriots enjoy general freedom of movement within their respective areas. Turkish Cypriot authorities regulate travel into and out of the Turkish Cypriot area. In general, they have barred Greeks, Greek Cypriots, and sometimes third-country nationals with Greek surnames from entering the north and Turkish Cypriots from visiting the south. In late November, Turkish Cypriot authorities announced the easing of requirements for travel documentation for Greek Cypriots wishing to visit the north. While significant restrictions remain--including a requirement that Greek Cypriots have "legitimate business" to conduct in northern Cyprus--the period since November saw a marked increase in the flow of Cypriots in both directions across the U.N. buffer zone.

The applications of Greek Cypriot residents of enclaves in the north to visit the south are usually granted, but the applicants must return within a designated period or risk losing their right to return, along with their property; foreigners coming from the south must obtain permission to enter the north. At the same time, the Government of Cyprus bars entry into the Greek Cypriot area by foreigners who arrive at Turkish Cypriot ports of entry. Those who have entered through the south but wish to stay overnight in the north are discouraged from doing so by the Cyprus Government.

The right to travel abroad and to emigrate is observed, although persons facing military service or legal action in either part of Cyprus may not be allowed to travel without specific permission. Turkish Cypriots have difficulty in traveling to some countries because travel documents issued by the Turkish Cypriot authorities are not widely recognized. In such cases, they travel on Turkish passports, to which they

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are considered entitled by Turkey. Citizens may repatriate freely.

The Government of Cyprus does not honor the practice of accepting third-country persons as refugees, arguing that it already has enough responsibilities in caring for the Greek Cypriot refugees (displaced persons) from the 1974 Turkish intervention. The Greek Cypriot authorities endeavor to remove or deport all such third-country refugee claimants as soon as possible, even prior to a determination by the local United Nations High Commissioner for Refugees representative that the claim is valid, or prior to acceptance for resettlement by a third country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Both the Government of Cyprus and the administration of the Turkish Cypriot community are democratically elected. In their lively multiparty political systems, parties compete actively and without restriction for popular support. Suffrage is universal, and elections are held by secret ballot. Elections for the office of President of the Republic of Cyprus are held every 5 years, and elections for the House of Representatives every 5 years or less. The Turkish Cypriots elect a leader every 5 years, and a representative body every 5 years or less. Greek Cypriots and Maronites living in the north--the latter having chosen before independence in 1960 to be regarded as members of the Greek Cypriot community--do not participate in Turkish Cypriot elections but elect their own village officials. They are eligible to vote in Greek Cypriot elections but must make their way to the south in order to exercise that right.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no requests from international human rights organizations to investigate human rights conditions in Cyprus. Representatives of such human rights organizations have open access to both the south and the north.

The question of human rights in Cyprus is closely connected to the political differences that divide the two communities. In 1986 a group of Greek Cypriots announced the formation of a "Committee for the Restoration of Human Rights Throughout Cyprus." This Committee ascribes the problem of human rights on the island to the 1974 Turkish military intervention and the continued presence of Turkish troops in the north. The Turkish Cypriot Human Rights Committee in turn denounces the Greek Cypriot charges, stating that the Turkish troops are present to protect Turkish Cypriot human rights. Such exchanges continued in 1989.

The Republic of Cyprus has applied to have the question of human rights in Cyprus placed on the agenda of the European Commission of Human Rights. In addition, the Government of Cyprus has repeatedly raised in international forums the question of persons missing since 1974.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, education, and health care are usually available to members of both communities regardless of race, religion, ethnic background, or political opinion. Nevertheless, there have been complaints that the welfare of minorities in the north is impaired by Turkish Cypriot restrictions on housing, education, and movement. The United Nations Force in Cyprus monitors the welfare of the Greek Cypriots and Maronites in the north, as well as that of the Turkish Cypriots in the south.

Throughout Cyprus, women generally have the same legal status as men. In the north, legal provisions exist requiring equal pay for men and women performing the same job. In the south, until recently, government workers received equal pay for equal work, regardless of sex. In October a new law was passed requiring equality of pay between men and women working in the private sector.

Social taboos, traditions, and family honor shroud incidents of wife and family abuse on Cyprus. Moreover, it is understood that police files on incidents of domestic violence are sometimes destroyed under the pretext that it is "a personal matter." Several directors of the Crisis Center for Family Violence in the south, nevertheless, have recently reported that the number of domestic abuse cases, including wife beating, is on the rise. The Crisis Center, as well as several other support groups, has been established in part to draw public attention to this problem and to encourage governmental action in dealing with it.

Section 6 Worker Rights

a. The Right of Association

Trade unions and confederations are free to organize in both the north and south. For several years, however, the Committee of Experts of the International Labor Organization (ILO) has noted that Cypriot labor legislation restricting the rights of trade unions to elect their representatives freely is not in conformity with ILO Convention 87 on Freedom of Association which Cyprus ratified in 1966. More than 80 percent of Greek Cypriot workers and 40-50 percent of Turkish Cypriot workers belong to independent trade unions. Union officials in the north, however, allege that the ruling party has tended to exert its influence to split the labor movement, especially in the government service sector, by supporting the establishment of rival syndicates. In both communities, trade unions freely and regularly take stands on public policy issues affecting the workers.

All Cypriot workers have the right to strike. In general, strikes are infrequent and usually of short duration. Both the Government of Cyprus and the Turkish Cypriot authorities have the power to curtail strikes in what they deem to be essential services. The Government of Cyprus did so once in 1989, in relation to a strike by the staff of the Cyprus Ports Authority. In the north, authorities moved to ban a veterinarians' strike which had run for 2 weeks. In 1989 the Committee of Experts noted that essential services should be more strictly interpreted in Cyprus as those whose interruptions would endanger the life, personal safety, or health of the whole or part of the population.

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Unions in both parts of Cyprus freely take part in international meetings. Most unions are affiliated either with the International Confederation of Free Trade Unions or with the Communist-controlled World Federation of Trade Unions. Labor unions, more than most other organizations on Cyprus, attempt to maintain contact and cooperation across the dividing line.

b. The Right to Organize and Bargain Collectively

Under law and in actual practice, trade unions and confederations are free to organize and to bargain collectively in both parts of Cyprus. In both the north and the south, parties to a dispute may request mediation by the authorities. In both sectors, legislation prohibits dismissal for participation in trade unions. There are no export processing zones on either side of the demarcation line.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and no instances were reported.

d. Minimum Age for Employment of Children

The Government of Cyprus has set the minimum age of employment of children in an "industrial undertaking" at age 16. In the north, the age is 15. The law is effectively enforced in both sectors by government labor inspectors.

e. Acceptable Conditions of Work

In the south, minimum wage laws exist for apprentices between the ages of 16 and 18. The wage set for this group is equal to about \$250 per month. Minimum wages for other groups are fixed through collective agreement. In the north, the minimum wage equals about \$100 per month. It is effectively enforced, but by itself is not adequate to provide a decent living for workers and their families. The Government of Cyprus has set 40 hours as the maximum number of hours of work per week except for shop workers and drivers, who work no more than 42 1/2 hours. In the north, the maximum number of hours of work per week in the winter is 38, and in the summer 36. Occupational safety and health regulations are effectively administered in both sectors, though the standards are not equivalent to those in Western industrialized countries.

CZECHOSLOVAKIA

Until December 1989, the Czechoslovak Socialist Republic was ruled as a centralized totalitarian state by the Communist Party of Czechoslovakia (CPCZ). The CPCZ leadership decided all important political, economic, social, and cultural questions and sharply limited the scope of individual human rights. A brutal police attack on peaceful student demonstrators on November 17, however, sparked massive street demonstrations which led to the overthrow of the old Communist leadership. In December the first Czechoslovak government since 1948 in which a majority of ministers were not Communists was installed, and the human rights activist, Vaclav Havel, was elected President.

The new Government is led by Communist Prime Minister Marian Calfa but includes ministers associated with the Civic Forum, a new prodemocracy opposition group. The Government committed itself to free elections, an economic reform program leading to a market economy, and an overhaul of Czechoslovak laws governing human rights.

The Government also pledged to gain control of the Ministry of Interior, which includes a large, well-funded internal security establishment used as an instrument of control by the CPCZ. The new First Deputy Prime Minister, Jan Carnogursky, who had been imprisoned for a portion of 1989 for his human rights activities, was given primary responsibility for restructuring the Ministry. In December the Government also acted to disarm the People's Militia, the CPCZ's private army. The militia has since been disbanded.

Czechoslovakia's centrally planned economy has allowed virtually no private enterprise or ownership in manufacturing, retail operations, agriculture, or services. In recent years, the economy, characterized by excessive central planning, obsolete equipment and infrastructure, and an almost complete lack of incentives for innovation and initiative, had become less competitive in world markets. The ministers responsible for economic affairs in the new Government have committed themselves to creation of a mixed economy responsive to the demands of the marketplace.

The human rights situation worsened until November 1989. The 4-month imprisonment of playwright Vaclav Havel for his peaceful participation in a January demonstration drew international condemnation, but dozens of lesser known persons were also sentenced to prison or fined for exercising their freedoms of speech, assembly, and association provided in the Constitution. Other human rights concerns included arbitrary detention, arbitrary interference with privacy, family, home, and correspondence, and restrictions on freedom of religion and worker rights.

The following report primarily describes the human rights situation as it existed before the November 17 student demonstration which precipitated the overthrow of the CPCZ leadership. Most of the practices that led to widespread human rights abuses appeared to have been abandoned by year's end, and important changes were being considered. The next annual report is likely to include a significantly different assessment of human rights practices.

CZECHOSLOVAKIARESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

No substantiated reports suggesting political or extrajudicial killings came to public attention in 1989. A report that a person named Tomas Smid had been killed by police during the November 17 demonstration proved false, and the special commission investigating the events of November 17 had not found evidence that anyone had died as a consequence of the police attack.

b. Disappearance

At year's end, the Government was unable to substantiate reports that several students involved in November demonstrations and strikes had disappeared.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The former government did not appear to practice a systematic program of torture. However, several persons detained for their participation in week-long demonstrations in January, commemorating the death of student Jan Palach 20 years earlier, were severely beaten by police. Czechoslovak security officers on several occasions also attacked and beat human rights activists, such as Petr Placak, Josef Kuhn, and Stanislav Penc. In addition, Stanislav Devaty, while jailed and awaiting trial, was chained to a bed in a cold cell for several hours while dressed only in his underwear.

A 1989 Helsinki Watch report strongly criticized prison conditions in Czechoslovakia. Generally, prison conditions have been poor, especially the "third category" of imprisonment (the harshest regime). Cells are usually small and unheated, family visits and correspondence are strictly limited, and prisoners report such punishments as reduction in pay and limitations on free time, bathing, and exercise periods if they fail to meet unrealistically high production standards.

Informed sources also reported that prisoners were assigned hazardous work such as polishing crystal and costume jewelry in environments lacking sufficient ventilation to prevent glass fragments and chemicals from being inhaled. Sanitary and medical facilities and diet were reported to be inadequate. Former prisoners have reported that prison guards sometimes encourage hardened criminals to prey on persons serving sentences for political offenses. Prisoners or former prisoners who complained publicly of mistreatment had been severely punished and sometimes sentenced again for having complained.

No consensus exists among independent observers regarding whether or not there was widespread abuse of psychiatry in Czechoslovakia. However, one case of possible psychiatric abuse involved Augustin Navratil, the Catholic activist who drafted a 31-point petition for religious freedom. In October 1988 Navratil was committed involuntarily to inpatient psychiatric care for an indefinite period. This decision was made despite an examination in September by Western physicians who reportedly found Navratil's mental condition to be within

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"normal parameters." Navratil was released from psychiatric care in early 1989.

d. Arbitrary Arrest, Detention, or Exile

Until November, Czechoslovak citizens, especially human rights activists, were frequently arrested, detained, interrogated, and subjected to personal and home searches for the expression of personal views. Judicial and police authorities often explained such actions in legal terms and performed them with warrants. They also arrested and detained citizens without warrants. Under existing law, a person may be detained for cause for up to 48 hours without being charged, although in practice this limit was not always observed, and the authorities used the discretionary powers of the prosecutor general to extend such detentions. Searches, detentions, and frequent interrogations were among the tactics used by the regime when it decided to harass rather than to prosecute.

Dozens of activists from Charter 77 and other independent initiatives were detained during the days before the August 21 anniversary of the 1968 invasion of Czechoslovakia and the October 28 anniversary of the founding of the Czechoslovak Republic. Other activists had been warned that they would be detained if found in Prague and chose to remain outside the city. None of those detained were charged with violations of criminal law.

Detentions were also used before November as a means of preventing human rights activists from attending meetings or harassing them after a meeting. Members of the reform Socialist club Obroda were detained and subjected to interrogation on several occasions to prevent their attendance at Obroda meetings. Security forces prevented the three Charter 77 spokespersons, Vaclav Havel, Dana Nemcova, and Tomas Hradilek from meeting together in September, and Havel was detained in August in an apparent attempt to prevent his attendance at a meeting of the Czech chapter of PEN, an international writers' organization. Police detained members of the Czechoslovak Helsinki Committee in September as committee members left a meeting and then interrogated them and confiscated their papers. One independent observer believes there were hundreds, perhaps up to 1,000, such detentions until November.

According to law, a detainee could be held in investigative detention for 2 months if the authorities decided to press charges. A detainee could generally receive visits by family members only after a trial. Investigative detention could be extended beyond 2 months at the request of the prosecution, and detainees were sometimes held for long periods without being brought to trial. Cultural activist Petr Cibulka was held in detention for over a year while awaiting trial and was allowed only one visit, from his mother, during the entire period of detention.

Although the former government did not formally impose internal exile or house arrest, it introduced in 1984, for the first time, a regime of "protective supervision" which combined features of both. Protective supervision included travel restrictions, curfews, frequent searches of persons, homes, and guests, and the obligation to report regularly--sometimes as often as once a day--to the police. The imposition of such a regime, intended for habitually violent offenders, against persons who never committed or advocated an

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act of violence was a form of harassment that sharply curtailed their freedom of movement and isolated them from normal contact with those outside their home.

Since 1986 there have been no reports of the Government's use of forced exile to rid itself of critics. Prior to that time, people working or visiting abroad with official permission were at times stripped of their citizenship and refused the right to return. The authorities on occasion exerted heavy pressure to emigrate on those who had already served a jail sentence. If they refused, they and their families suffered harassment, denial of jobs and schooling, and the threat of rearrest. After a year or more of this treatment, some ex-prisoners applied for emigration passports.

e. Denial of Fair Public Trial

According to Czechoslovak law, people charged with criminal offenses are entitled to fair and open public trials. They have a right to be informed concerning the charges against them, to retain counsel, and to present a defense. In practice, however, the exercise of these rights was often reduced to a mere formality, especially where political offenses were concerned.

The judiciary was not independent of the regime and the Communist Party. In theory, judges could be removed only by the Federal Assembly (national parliament) or by the Czech or Slovak National Councils (regional parliaments). In practice, they were subject to direct control and supervision by the CPCZ, to which most judges belonged.

Defendants may either choose their own lawyers or request court-appointed lawyers. However, lawyers were subject to direct and indirect pressures from political authorities and in the past did not always vigorously represent their clients. In 1989, however, most independent observers believe defense lawyers generally offered vigorous defenses in cases involving political charges. Defendants occasionally succeeded in having charges dismissed or reduced at the original trial, but the prosecution could file an appeal, which sometimes resulted in an increase in the sentence or additional charges.

In 1989 it was easier for friends of defendants, press representatives, diplomats, and representatives of human rights organizations to attend trials with political content. Courtroom size on several occasions prevented all interested observers from attending a trial, but there was no evidence of manipulated assignment of courtrooms to limit attendance. The authorities also resorted to a ticketing system for admission to trials of particularly prominent human rights activists, such as Vaclav Havel. In the Havel trial, there were no diplomats in the handful of foreign observers who were admitted.

Persons arrested for expressing personal views that took issue with the Communist regime's official position generally were charged with "subversion," "incitement," or "damaging the interests of the republic abroad." Those arrested for religious activities usually were charged with "obstructing state supervision of churches and religious societies."

The former authorities also resorted to arbitrary or trumped-up criminal charges (e.g., "hooliganism" or "illegal enterprising") to punish those whose real offense was to

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engage in unauthorized political or cultural activity. The hooliganism charge was used against some of those detained in connection with January and August 1989 demonstrations in Prague. A charge of illegal enterprising was the prosecutorial tactic employed against Petr Cibulka.

The new Government has announced plans to revise the existing penal code during 1990, focusing on both procedural and substantive provisions of the law. Special attention will be devoted to those provisions used in the past to prosecute human rights and religious activists.

Figures available from the Committee for the Defense of the Unjustly Persecuted (VONS), which documents individual cases to the best of its ability, suggest there were at least 25 political prisoners in Czechoslovak jails in 1989. However, a sweeping amnesty signed in December by former President Gustav Husak provided for the release of virtually all persons who might have been imprisoned for political offenses. Among those not covered by the amnesty were those convicted of espionage. Indications are that the new Government, pursuant to a request by VONS officials, will review the cases of several persons whose convictions for espionage might have been politically motivated.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The former government monitored and controlled the activities of citizens whom it suspected of engaging in antiregime or independent activity. Consequently, it also interfered with privacy of communications.

Those who were considered opponents of the regime bore the brunt of heavily intrusive surveillance. They, their families, and their friends were subjected routinely to such measures as electronic surveillance, home searches, tapping of telephones, and interception and destruction of mail. The new Government has begun the task of dismantling the special security units which carried out these activities against human rights activists and others considered enemies of the Communist regime. It also transferred control of wiretap facilities from the Ministry of the Interior to the Ministry of Transportation and Communication and ordered sealing of the facilities.

Discrimination in employment was a regular aspect of the harassment and persecution of dissidents and their families. Instilling fear among intellectuals and white-collar workers that their children might be denied higher education was a factor in discouraging open dissent. These tactics were discontinued after November.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and freedom of the press, it states that these freedoms must be exercised "in accordance with the interests of the working class." In effect, persons who voiced opinions publicly that differed from party policy or that questioned the legitimacy of party rule faced fines and imprisonment, especially when they asked others who shared their opinions to join them.

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Before November, for example, Stanislav Devaty was sentenced to 20 months' imprisonment for circulating a petition in support of political prisoners. Ivan Jirous and Jiri Tichy were sentenced to 16 and 6 months respectively for circulating a petition criticizing the Communist management of Czechoslovakia since 1948, and Renata Panova was sentenced to 3 months' imprisonment for the distribution of political leaflets.

As a consequence of the November demonstrations and the installation of the new Government, persons were able to exercise their right to freedom of speech without official interference. The Government promised to enact new laws formally guaranteeing freedom of speech no later than February 1990.

The former government also attempted to repress a petition campaign centered around a document entitled "Nekolik Vet" (Several Sentences). The document called, among other things, for a release of political prisoners, respect for human rights, a public discussion of a new constitution, and reevaluation of the 1968 Soviet-led invasion which crushed the Prague Spring. The petition was signed by about 40,000 people before the events of November 17. Dozens of persons who collected signatures for the petition were fined for their activities, usually between \$300 and \$500 (i.e., in excess of 1 month's wages for the average worker.) Two of the petition's four "guarantors" of the signatures, Stanislav Devaty and Sasa Vondra, were sentenced to prison terms after the petition drive began, although their convictions were technically based on other charges.

All domestic radio and television broadcasting facilities are government owned. Self-censorship of news and entertainment programs under CPCZ guidelines was practiced, and there was no opportunity for views contrary to CPCZ policies to be expressed. However, beginning in late November a dramatic change occurred as television and radio workers challenged the former regime, and radio and television newscasts began presenting objective reports of events. Opposition political groups were also given air time to present their views.

In December 1988 the former government ceased jamming Radio Free Europe broadcasts for the first time in two decades. Voice of America and other Western radio broadcasts also were not jammed. Many people who live near the country's western or southern borders can routinely receive Western television broadcasts while those in the interior of the country may do so by means of special antennas or satellite dishes.

All officially recognized newspapers and magazines were published and controlled by mass organizations of the National Front (e.g., the Union of Socialist Youth, Revolutionary Trade Union Movement, or Sports Federation.) These in turn were controlled by the Communist Party. Legally published religious literature and periodicals were subject to strict censorship and were available only in limited editions. Publishing houses and the news media, all state owned, employed self-censorship under CPCZ guidelines. Editors who were insufficiently vigilant suffered fines or dismissal. Nonetheless, even before the events of November 17, some journalists took an increasingly more critical line concerning government and party policies. In the wake of November 17 the self-censorship seen before all but disappeared.

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The independent newspaper, Lidove Noviny, began publication in 1988. Although authorities refused to register the publication officially and in 1989 imprisoned its two editors, Jiri Ruml and Rudolf Zaman, the monthly continued to appear. Other samizdat (self-published) material included a newsletter entitled Informace O Charte 77 (Information About Charter 77), which carried Charter 77 documents and VONS communiques reporting human rights violations. In addition, an independent new agency called the East European Information Agency was formed in December 1988 and functioned throughout 1989, providing reports to Western and other new media.

Some samizdat literature was sent abroad, where it was reprinted in emigre publishing houses and then brought back to Czechoslovakia. Persons engaging in independent publishing activities in 1989 included Frantisek Starek, who received a 30-month sentence, plus 2 years' protective supervision, in connection with the samizdat publications Vokno and Voknoviny that he compiled and distributed.

During 1989 only a limited number of Western non-Communist periodicals were imported, and these were usually not available to ordinary citizens. No Western non-Communist newspapers or newsmagazines were available to the general public. Access to Western political publications was limited to persons who had obtained special permission from their employers or their universities documenting their need for the material for official purposes.

At the end of 1989 virtually complete artistic freedom had come to exist in Czechoslovakia. A public reading of a play of Vaclav Havel, whose plays had been banned, had been given, and plans were under way by several theaters to feature works by Havel during 1990. In addition, one student group was performing "Animal Farm," a previously banned work. Several samizdat publications, such as the newspaper Lidove Noviny, had also announced plans to begin regular publication.

Academic freedom, as it is known in the West, did not exist. All universities and research institutes were operated by the State or party, and all teaching and research was required to conform to official requirements. In areas such as foreign policy or contemporary history, these requirements narrowly circumscribed the content of research and teaching to the virtual exclusion of independent investigation, but discussion concerning economic and environment issues was much freer than several years ago. Somewhat greater freedom was also allowed in scholarship not involving politically sensitive subjects.

Admission to study at the university level was based on party connections and political reliability as well as merit. Communist Party membership typically was a prerequisite to advancement beyond lower level teaching positions, as was basic conformity to orthodox opinions, at least superficially. Academics were among those who were required to report contacts with Westerners and an "official reason" was typically needed to associate with Western diplomats.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, that freedom was severely limited in practice until November. Public meetings could be held only with the permission of the police, and this permission depended upon whether or not the proposed meeting supported state objectives. A 1988 Prague

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ordinance banned independent demonstrations in the city's historic Wenceslas and Old Town Squares, although state-sponsored rallies continued to take place there. When the authorities wished to have a large rally, such as May Day or "peace" demonstrations, they exerted pressure on people to attend.

In January 1989, police used tear gas, water cannon, dogs, and baton charges to disperse crowds which peacefully gathered in Prague's Wenceslas Square for a week-long series of demonstrations to commemorate the anniversary of the 1969 self-immolation of Jan Palach. Vaclav Havel, Jana Petrova, Miroslav Sramek, and Otakar Veverka all were convicted for their participation in the demonstrations and served from 1 to 6 months in prison. Stanislav Penc, Petr Placak, Jana Sternova, and Sasa Vondra were convicted for laying flowers on Prague's Wenceslas Square to commemorate Jan Palach's death, but the sentences were suspended.

On May 1, a few hundred demonstrators attempted to mount a counterdemonstration on Wenceslas Square in juxtaposition with an officially sponsored May Day rally. Police broke up the counterdemonstration and detained approximately 50 persons. Among those detained was a British reporter who tried to interview demonstrators.

On August 21, the 21st anniversary of the 1968 Soviet-led invasion that put an end to the Prague Spring, the authorities suppressed a peaceful demonstration in Prague. Several thousand persons marched for more than 3 hours until police finally dispersed the crowd, detaining 320 persons.

On October 28, the anniversary of Czechoslovakia's founding as an independent state, a crowd of about 10,000 people gathered in Wenceslas Square to call for freedom and democracy. Police equipped with riot gear broke up the demonstration, arresting at least 250 persons.

The November 17 demonstration started as an officially sanctioned rally to commemorate the 50th anniversary of the death of Jan Opletal, a student leader killed by the Nazi Gestapo. The event was jointly sponsored by the Socialist Youth Union and an independent student group. After the completion of the official portion of the program, demonstrators numbering up to 50,000 persons attempted to march to Prague's Wenceslas Square, but were prevented from doing so by a line of police equipped with riot gear. After a peaceful stand-off of about an hour between the police and demonstrators, the police and special antiterrorism units of the Interior Ministry attacked the demonstrators, using truncheons, tear gas, and dogs.

A special commission of the Federal Assembly investigating the events of November 17 determined that at least 291 persons, including 7 American journalists, were injured by the police attack. Early reports that a student had been killed during the attack proved false, and the special commission at year's end had not unearthed evidence that anyone had died as a consequence of the attack. Former Prague Communist Party leader Miroslav Stepan and at least eight police officers faced criminal charges for their role in the police attacks.

After November 17, massive demonstrations occurred in Prague for 10 consecutive days, with crowds at times reaching one-half million persons. Large demonstrations in Bratislava

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and other Czechoslovak cities occurred as well during this period, and all of them without police interference.

The new Government has committed itself to sponsoring legislation which would guarantee Czechoslovaks the right to peaceful assembly. Such a right already existed in fact at the end of 1989. The mayor of Prague promised that police would not interfere with peaceful demonstrations, and several took place without incident.

The former government did not permit the establishment of independent associations. All social and other groupings were required to register with the National Front, an umbrella organization including the CPCZ and all legal political and social groups.

In May 1987, the founding committee of a proposed organization to be named the Society of Friends of the United States (SPUSA) submitted a request for approval of its bylaws to the Ministry of Interior. The organization was to be a voluntary, social association within the framework of the National Front, and dedicated to developing friendship, trust, and understanding between Czechoslovakia and the United States. Following final rejection of its application, SPUSA reorganized itself as an informal "association." SPUSA was characterized by the authorities as an antistate organization. SPUSA cofounder Stanislav Devaty was sentenced to up to 20 months' imprisonment in August, and other SPUSA activists were subjected to repeated harassment by security officials.

Other citizens' groups subjected to official harassment or unable to secure official recognition include the Independent Peace Association, the Movement for Civil Liberties, Obroda, the John Lennon Peace Club, and the Democratic Initiative. Citizens interested in the environment and in the visual and performing arts (including rock and punk groups,) although also harassed, had some success in organizing independent activities.

The former authorities in 1989 permitted establishment of an "Art Forum" for the promotion of independent cultural activities. The Art Forum was set up under the direction of Karel Srp and Joska Skanik, formerly imprisoned leaders of the Jazz Section.

After November, a multitude of independent organizations, including political parties, were created by Czechoslovak citizens. The new Government has not interfered or attempted to regulate the formation or activities of such groups.

In 1989 meetings between citizens and foreign visitors to Czechoslovakia generally passed without incident. Police in July did detain Jiri Hajek, the Foreign Minister during the Prague Spring, preventing him from lecturing to a group of visiting West Germans concerning the 1968 reform program. Other Czechoslovaks invited to speak to the same group were warned they would be detained if they attempted to deliver a lecture. In October Jeri Laber, a Helsinki Watch official, was briefly detained with members of the Czechoslovak Helsinki Committee when they attempted to meet in a Prague restaurant.

c. Freedom of Religion

"Scientific atheism" was part of the official ideology, and freedom of religion, provided for in the Constitution, was

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strictly limited in practice. The former regime actively discouraged all religious activity, especially among the young. Teachers, policemen, Communist Party officials, and members of certain other professions encountered problems in their careers if they were seen in church.

The former government exercised strict control over all religious affairs. Churches were required to register with it in order to function legally in Czechoslovakia. Groups which proselytize, such as Jehovah's Witnesses and Mormons, were banned outright, and their members suffered frequent harassment and arrest. Jehovah's Witnesses were reported in several prisons, most apparently because of a refusal to serve required military service, but there was no reliable estimate of their number.

Organized religious practice was hampered by both written and unwritten restrictions. For example, the ability of clergymen to engage in religious work, including charitable endeavors outside church premises, was severely restricted. The State approved the assignments of clergymen and used its power to harass those it deemed too popular or active. In addition, clergymen were paid by the State and were required to obtain a state license in order to practice. Such licenses were often withdrawn without explanation. In 1989 two ministers of the Evangelical Church of Czech Brethren, Zvonimir Sorm and Pavel Pokorny, lost their licenses as a consequence of their relations with independent political groups. Estimates of the number of clergymen who had lost their licenses vary, but they are known to have included several bishops. Those who continued to practice despite revocation of their licenses were liable to criminal prosecution.

Religious instruction in the home was forbidden, although in 1989 there were no reports of interference by the former government with such instruction. In the past, parents were required to apply to local authorities if their children were to receive religious education at state schools, but changes in 1989 provided that requests for religious instruction were to be made directly to a church representative. A student was to be registered automatically for religious instruction if both parents agreed. Instruction for Catholic children was provided at school but was limited to 1 hour per week for grades 2 through 7. Instruction for Protestant children took place at church, as arranged between the leaders of each religious denomination and the former government. School authorities warned parents that participation in religious classes could be damaging to a child's education and career prospects.

Although the former government stated its intention to increase the supply of religious literature, printing was severely restricted, and Bibles were in short supply. Bibles and other religious literature were smuggled in from abroad and produced by underground samizdat methods. Government efforts to confiscate smuggled religious materials or shut down samizdat sources of materials appeared to have been less extensive in 1989 than in previous years.

The authorities did not facilitate travel by religious officials to and from Czechoslovakia unless the proposed visit served the purpose of the State. In the case of the Catholic Church, the former government did not invite Pope John Paul II to visit Czechoslovakia despite Cardinal Tomasek's request that an official invitation be issued and the existence of

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petitions supporting such a visit signed by thousands of persons. Priests and other religious leaders were frequently denied permission to travel outside the country, although in 1989 denial of permission to travel was less frequent, and Cardinal Tomasek and some 10,000 Czechoslovaks were allowed to travel to Rome for the canonization of Agnes of Bohemia.

The State maintained all church property. In practice, this meant that the vast majority of church property was very poorly maintained. For many years, no proposed construction of new Catholic churches had been approved. However, some Protestant congregations--including Baptists--had been allowed to build new churches.

The Roman Catholic Church is the largest of Czechoslovakia's 19 officially registered religious bodies. There are an estimated 6 to 7 million Roman Catholics in the country, and up to 300,000 members of the affiliated Greek Catholic (Uniate) Church. The Greek Catholic Church was reestablished in 1968 after having been forcibly united with the much smaller Orthodox Church in 1950. However, the Greek Catholics have been unable to reclaim much of their property, which remains in the possession of the Orthodox Church.

In early 1989, only 2 of the country's 13 dioceses had bishops. During the course of 1989, the former regime approved the appointment of four new bishops to fill empty bishoprics. Students in Czechoslovakia's 2 remaining Catholic seminaries (out of a prewar total of 13) needed state approval to be admitted and ordained. Although the State in recent years had raised the limits on the number of Catholic seminarians, large numbers of qualified applicants were denied admission to theological studies.

In 1950 all male religious orders were dissolved. A few female religious orders were allowed to continue functioning and for the first time since a brief period in 1968 were allowed to admit a limited number of new members. Despite these limitations, some Catholic monastic orders continued to operate clandestinely.

In Slovakia there were several Catholic pilgrimages in 1989 in which several hundred thousand people took part. There was no substantial police interference with the pilgrimages, except for one in Nitra where the authorities controlled the pilgrimage's program.

"Pacem in Terris," the state-sponsored "peace association" of Catholic clergy, had been a major instrument of state control over the Catholic Church. The association had been losing ground since 1982 when the Vatican banned clerical participation in political organizations worldwide, and Cardinal Tomasek and the overwhelming majority of Catholic clergy in Czechoslovakia disassociated themselves from "Pacem in Terris."

Protestant denominations registered by the authorities also operated under state-imposed constraints. Proselytizing was forbidden; religious ceremonies were mostly restricted to church premises; and education of the clergy was closely controlled. In 1989 the former government recognized another Protestant denomination, the Apostolic Church of Bohemia.

Two Jewish community councils, one in the Czech lands and the other in Slovakia, serve the Jewish community of several

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thousand. These councils have been central religious organizations financially supported and controlled by the Government. There are synagogues and prayer houses open for worship and two rabbis, one in Prague and one in Kosice. Religious ritual articles and kosher meat are available in limited supply. There is no rabbinical seminary. In late December, the Czech Jewish Community (Council of Jewish Communities of Bohemia and Moravia) in its first free election in decades elected a highly respected former leader ousted earlier by the regime because of his independence.

Officials of the new Government indicated they would support repeal of a 1949 law regulating relations between the State and churches, and churches therefore will be free to conduct their own affairs without state interference.

Towards the end of 1989, the Minister of Culture of the new Czechoslovak government advised Roman Catholic Church officials that they were free to fill empty bishoprics without gaining prior approval of the State, and the Vatican thereupon named three new bishops, leaving four empty bishoprics at the end of 1989. In addition, priests and ministers who had previously lost their licenses to practice have been allowed to return to religious work, including Father Vaclav Maly, a former Charter 77 spokesman. The Catholic Church also announced plans to open three additional seminaries. Those priests who were still members of "Pacem in Terris" notified Cardinal Tomasek in December that the organization had ceased its activities and disbanded.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

For all Czechoslovaks, freedom of movement has been restricted near military installations and along the borders with Austria and the Federal Republic of Germany. Movement within the rest of the country was not restricted for most citizens. However, the former government restricted the movements of Charter 77 activists and other "suspect" persons, especially to prevent their participation in independently organized activities.

During 1989 the former government eased regulations affecting travel to the West. It also announced that it would lift the exit permit requirement for private travel in 1990, an action which in fact was taken after the events of November.

Travel by citizens of Czechoslovakia to East European countries also was regulated. The new Government at year's end had not taken action to alter these regulations.

Citizens deemed politically unreliable were often denied permission to travel outside of Czechoslovakia. They often were not provided with substantive reasons for the denials, making it difficult to appeal the denials to higher administrative authorities. In 1989 Czechoslovak authorities temporarily stripped Charter 77 founder Jiri Hajek of his passport after Hajek traveled to Norway to attend a conference of the Socialist International, but the passport was later restored to him. The new Government issued passports to many persons who had formerly been denied them.

The right to emigrate has been extremely limited. In general, only those wishing to join a foreign citizen spouse, or, in the case of retired persons, foreign citizen children abroad,

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have had this right. In 1989 the former government eased a series of restrictions affecting family reunification.

Emigration passports have not been valid for return without special endorsement, and in some cases permanent exile has been a condition for emigration or study abroad. Czechoslovak authorities in 1989 decided administratively not to prosecute persons who traveled or remained abroad without permission. The law which punishes unauthorized travel remains on the books, although authorities have indicated plans to decriminalize such travel.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have not had the right to change the political leadership or the system of government. The Communist Party leadership made all significant decisions regarding government, economic, and social affairs. Real power was exercised by only a few top-level officials in the party presidium and secretariat. They determined who would be placed in decisionmaking positions not only within their own ranks but also throughout the Government, the economy, the media, and mass organizations.

Ordinary citizens, especially those who were not CPCZ members, had no role in selecting their leaders or in participating in political or economic decisions. Four minor political parties were permitted to exist and publish their own newspapers, but they were required to accept the leading role of the CPCZ and to conform to Communist Party directives. All parties and mass organizations were incorporated in the National Front, which was completely controlled by the Communist Party. Among its tasks was the nomination of a single slate of candidates to stand unopposed at all elections.

Under the enormous pressure exerted by massive street demonstrations after November 17, the CPCZ agreed to delete from the Constitution all references to the "leading role" of the Communist Party. After roundtable talks with the umbrella opposition group Civic Forum, an agreement was reached that a government of National Understanding would be formed in which members of the Communist Party would be a minority. Human rights activist Vaclav Havel was elected President, and Alexander Dubcek, CPCZ leader at the time of the Prague Spring in 1968, was elected Chairman of the National Assembly. The new Government of National Understanding has committed itself to changes leading to a democratic, pluralistic society, and has promised free, multicandidate elections during 1990.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The former government in Czechoslovakia generally reacted negatively to expressions of concern about human rights violations either by other governments or by nongovernmental institutions. Officials of the former government, however, discussed the subject of human rights with U.S. officials. During 1989 representatives of the International Helsinki Federation and Amnesty International were permitted to travel to Czechoslovakia.

Three groups within Czechoslovakia have been and continue to be concerned primarily with human rights issues. One is

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Charter 77, composed of persons who signed a document, first made public in January 1977, which called on the former government to honor its commitments under international agreements on human rights, including the Final Act of the Conference on Security and Cooperation in Europe, as well as human rights provisions in the Czechoslovak Constitution. The second group, VONS, has used public records and reports from friends and relatives of the accused to issue communiques in cases where it believes the police, the courts, or the prisons have abused citizens' rights. The third group, the Czechoslovak Helsinki Committee, was founded in October 1988 and has documented the degree of Czechoslovak compliance with the human rights provisions of the Helsinki and subsequent international agreements. Members of all these independent groups were targets of official harassment.

The Committee of the Czechoslovak Public for Human Rights and Humanitarian Cooperation, an officially organized and recognized group, was founded in 1989. Members of the committee met with independent human rights activists, but the committee clearly was limited in its ability to be an outspoken advocate for human rights under the former regime.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Health care, education, retirement, and other services are provided without regard to race or sex. Membership in the Communist Party conferred special access to goods and services (including education, medical services, and consumer items), and party officials received particularly favorable treatment, but such special access is being brought to an end.

Women are equal under the law, and there are small numbers of women in the professions. Women receive pay equal to that of their male colleagues if they hold the same job.

Reliable statistics concerning the level of violence against women, such as wife beating, are not available, but anecdotal evidence suggests that violence against women is not widespread. Although there are reports that police on occasion have refused to respond to reports of intrafamily violence, prosecutorial authorities generally accept and conscientiously prosecute charges involving violence against women.

Czechoslovakia has two major nationalities--Czechs and Slovaks--and two substantial minorities--Hungarians and Gypsies. Czechoslovakia provides certain guarantees for minorities, but interethnic relations are still colored by historic animosities. Hungarians, who are concentrated in southern Slovakia, form the country's largest minority (600,000, according to official statistics). The State provides some primary and secondary education in Hungarian and permits a limited number of ethnic Hungarians to pursue higher education in Hungary. Ethnic Hungarians complain, however, that Hungarian-language instruction at the elementary and secondary levels is being reduced, and that the lack of opportunities for higher education in Hungarian is creating a growing shortage of qualified Hungarian-language teachers.

Gypsies, who number about 300,000, are the only other sizable minority. They tend to suffer disproportionately from high rates of poverty, crime, and disease. Their problems appear to result more from traditional and popular prejudice than

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from government policies. Some observers, however, complain that government policies attempted to pressure Gypsies to assimilate rather than preserve their distinct identity.

Approximately 30,000 Vietnamese laborers are temporarily working and residing in Czechoslovakia. Reportedly, they are allowed to retain two-thirds of their salary. The remainder is shared by the Czechoslovak and Vietnamese Governments. There are also reports that any Vietnamese who marries a Czechoslovak citizen is required to pay about \$5,000 to the Government of Vietnam to secure permission to stay in Czechoslovakia.

Section 6 Worker Rights

a. The Right of Association

Workers have not had the right to associate freely or to strike. They could not establish and join organizations of their own choosing without previous authorization. An attempt to establish an independent trade union in the early 1980's was suppressed. The Czechoslovak labor union umbrella organization, the Revolutionary Trade Union Movement (ROH), has been a mass organization strictly controlled by the Communist Party. Membership in official trade unions was virtually obligatory for workers. The ROH was affiliated with the Communist-controlled World Federation of Trade Unions, whose headquarters are in Prague.

Efforts to form independent labor unions were under way at the close of 1989. These efforts were attempting to transform strike committees which had been formed at various enterprises into the basic units of a new labor organization. In addition, a grass roots revolt by the membership of the ROH had led to a turnover in its leadership, and some persons advocated using ROH structures as the basis for a new independent labor organization. The Government of National Understanding at year's end had not presented legislation which would formally allow or regulate the formation of independent labor organizations. Legislation permitting workers to strike is anticipated in 1990.

In 1989 both the Committee of Experts and the Conference Committee on Application of Conventions and Recommendations (CACR) of the International Labor Organization (ILO) examined the single trade union system embodied in the Labor Code which accords special status to the ROH, as well as the absence of freedom of association for workers of collective farms. A government representative stated that the Government was looking for a solution, but the CACR regretted that no changes had yet been made with a view to implementing ILO Convention 87.

b. The Right to Organize and Bargain Collectively

Workers have not had the right to organize or engage in collective bargaining. Special economic incentive zones do not exist in Czechoslovakia.

Amendments in December 1988 to the labor code generally strengthened the powers of management, which now may: terminate a worker's employment with 2 months' (instead of 6 months') notice, giving no reason; terminate a worker's employment for any serious infringement of work discipline instead of for major or repeated infringement(s); search the

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work force coming to and leaving work; check for alcohol intoxication and drug use; reduce workers' wages for producing substandard products; extend a worker's probationary period from 1 to 3 months; and determine independently timework, piecework, and other wages, bonuses, and rewards. Under the amendments, workers became eligible for leave after 60 days on the job instead of 5 months, and maternity leave without pay was lengthened to 3 years.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Czechoslovakia. However, "work education" was required of prisoners. Former prisoners report that convicts faced higher norms (quotas), lower pay, and poorer working conditions than did ordinary workers.

The current Constitution affirms the right to work. In practice, persons considered politically unreliable by the former regime were barred from professional positions and forced into menial, low-paid jobs such as coal stokers and nightwatchmen. The ILO has condemned this practice and has called for amendment of the so-called parasitism law..

d. Minimum Age for Employment of Children

The minimum age for full-time employment is 16, although younger persons may accept part-time employment. The law is effectively enforced.

e. Acceptable Conditions of Work

The average workweek is 42.5 hours. Beyond 45 hours, workers are paid overtime, and there are additional bonuses for some shift and weekend work. The retirement age is 60 years for men, while women may retire between the ages of 54 and 57, depending on the number of their children. The average pension is 55 percent of the average wage, an amount which can be insufficient to meet a citizen's needs if not supplemented from other sources. A welfare system does exist to supplement these resources if need can be demonstrated.

There has been a nominal labor shortage induced by low productivity and the underutilization of the labor force. The need for unskilled and semiskilled labor has been filled in part by workers from Communist countries.

Working conditions appear generally acceptable, although far less attention is paid to occupational safety and health than in most advanced industrial economies. Industrial equipment which is obsolete by Western standards complicates issues of occupational safety. The problem of environmental pollution, especially in heavily industrialized areas and in industries in which environmental safeguards have been neglected, has become acute for the general population.

Czechoslovakia does not have a state-wide, legally mandated minimum wage. However, individual ministries establish wage scales of economic enterprises. Workers appear to be able to secure minimally acceptable standards of living for themselves and their families based on these wage scales.

As of December 1989, the Government of National Understanding had not introduced legislation which would alter statutory provisions governing working conditions.

DENMARK

Denmark is a constitutional monarchy with a strong tradition of democratic parliamentary rule. Queen Margrethe II as titular Head of State has a mainly symbolic role. A cabinet led by the Prime Minister and accountable to the unicameral Folketing (parliament) leads the Government. A minority coalition government led by the Conservative Party has ruled since 1982.

Denmark has a unified national police force. A small intelligence service operates as a section of the police. Its director is a civil service lawyer, and it is subject to an intelligence oversight committee of the Folketing.

An advanced industrial state, Denmark has a mixed economy combining private and public ownership. The Government is seeking ways to reduce the public sector's share of the economy. Personal freedoms and the right to pursue private interests and to hold private property are protected by law and respected in practice.

Deeply-rooted democratic principles, an egalitarian tradition, a lively press, and highly developed educational and social welfare systems have made Denmark a leading defender of human rights in the world. This continued in 1989. The Constitution establishes the Folketing's "Ombudsman," to whom any citizen may protest if he or she feels wrongly or unreasonably treated by any national or municipal authority. Denmark participates actively in a number of international commissions concerned with the protection and preservation of human rights. It will host in 1990 the second meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no political or extrajudicial killings.

b. Disappearance

There were no abductions, disappearances, secret arrests, or clandestine detentions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There was no torture or inhuman treatment. An innovative Center for Torture Victims, supported by the Foreign Ministry and located at Copenhagen's municipal hospital, treats patients in the refugee community, assists torture victims, and contributes to hindering the use of torture worldwide.

d. Arbitrary Arrest, Detention, or Exile

No person in Denmark may be deprived of personal liberty without due process of law. Arrestees must appear before a judge within 24 hours. They may be held indefinitely in preventive detention, frequently in isolation, although a judge must periodically review and approve such detention. Bail is permitted. There are no exiles.

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Danish legal system consists of a series of courts, local and regional, up to the Supreme Court. Trials are usually public; judges may make exceptions to this rule in a few circumstances, such as paternity and divorce trials. In criminal cases, trials are only closed when necessary to protect a victim's privacy, such as in rape or child molestation cases or when a witness' identity must be protected.

The rights of the accused are carefully protected. Defendants have the right to be present, to confront witnesses, and to present evidence. They enjoy the presumption of innocence. Indigent defendants have the right to an attorney at government expense and may also change this attorney. The judiciary is fully independent. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A constitutional prohibition against searching homes, seizing and examining papers, and breaching secrecy of communications without a judicial order is respected in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. There is no censorship. Criticism of the Government is not a punishable offense. Academic freedom is respected.

There is one large state-owned radio and television company. Editorial control is exercised by a board independent of the Government. A second channel, one-third government subsidized, opened in 1988. Programs critical of the Government appear on both channels.

b. Freedom of Peaceful Assembly and Association

Danes may freely assemble and form associations. Public meetings require permits, which are routinely given. Police may by law be present at any event which may endanger the peace. Any organization may affiliate with international bodies in its field.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Under the Constitution, the Evangelical Lutheran Church is the state church and receives a large subsidy. However, religious freedom is guaranteed to all. No religion is banned or discouraged; conversion is unrestricted. No one may be discriminated against for religious beliefs. Missionaries are freely given entry but are restricted in practice from staying more than 2 years. A number of foreign clergy serve expatriate and Danish congregations.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Danes have full freedom of travel and movement. Refugees are never repatriated against their will.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Danes have the right to change their government. The Prime Minister is appointed by the monarch after consultation with the parties in the Folketing. The Folketing's 179 members are elected in free and open elections under a complex system of proportional representation designed to help small parties and to reflect the popular vote. In the 1988 election, 12 parties competed, of which 8, representing a wide range of political beliefs, achieved more than the 2 percent of the vote needed to obtain representation in the Folketing. The current Government is a three-party minority coalition.

Danes over 18 years of age may vote. Resident foreigners may vote and run in local elections. Elections occur at least every 4 years, or by a decision of the Prime Minister, a parliamentary vote of no confidence, or the Government's resignation.

The territories of Greenland and the Faroe Islands have democratically elected home-rule governments with broad powers encompassing all but foreign and security affairs. They each have two seats in the Folketing. Greenlanders and Faroese are full Danish citizens and enjoy the same level of human rights as in Denmark.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Denmark is party to various international human rights conventions that promote and protect human rights. Human rights organizations operate freely. The Danish Center of Human Rights is a private government-funded institution for conducting research and providing information on human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Denmark provides food, shelter, health care, and education to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion. However, the inflow of ethnically dissimilar refugees (mostly Iranians, Palestinians, Lebanese, and Sri Lankans) who require public assistance has provoked tensions between native Danes and immigrants. These tensions worsened perceptibly during 1989. A December 1988 poll sponsored by the European Community (EC) showed Danes in first place among EC countries for their support of racist movements, tied for first place in their support for restricting the rights of foreigners, and in second place in their opposition to immigrants. A group called "Stop Immigration" contested the 1989 Copenhagen city council elections but won no seats. A Pakistani woman was nominated by a leftwing party to run for a safe seat on the city council and should become its first elected immigrant member.

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Denmark has eliminated laws containing sex discrimination provisions. Women hold positions of authority throughout society though they are much less represented at the top of the business world.

There is no tolerance, in law or in practice, of violence or abuse against women. Crimes against women are considered serious and are investigated with increasing vigor. However, independent experts estimate that less than 2 percent of all cases of domestic violence are reported to authorities. Denmark has no rape and domestic violence prevention programs. There are, however, 30 special crisis centers nationwide for counseling and housing of victims which are supported by municipal governments and voluntary workers and donations.

In 1989 Denmark became the first nation ever to grant homosexual partnerships legal standing and to give homosexual partners many of the same legal rights as heterosexuals. Also, a 1922 law requiring mentally ill and retarded persons to obtain special permission in order to marry was repealed.

Section 6 Worker Rights

a. The Right of Association

All workers, including military personnel and the police, have the right to associate freely in unions of their choosing. Some 90 percent of Danish wage earners belong to unions. Unions are independent of the Government and may freely affiliate with international organizations. All but civil servants have the right to strike, and this right is frequently exercised.

b. The Right to Organize and Bargain Collectively

Workers and employers acknowledge each other's right to organize. Collective bargaining is widespread. Salaries, benefits, and working conditions are agreed upon in quadrennial negotiations between the Employers Association and the Confederation of Labor Unions, which has 1.4 million members (half of Denmark's labor force), and are used as guidelines by the rest of the labor market. In case of disagreement, an issue may be referred to a labor court made up of management and labor representatives and an independent member. The decisions of the court are binding.

The conditions surrounding the establishment of a Danish International Ship's Register in 1988 were the subject of a complaint to the International Labor Organization (ILO). The ILO's Committee on Freedom of Association in 1989 urged the Government to enact legislation which would ensure that full and voluntary collective bargaining is open to all seafarers, including foreign nationals, employed on Danish-flag ships.

There are no export processing zones in Denmark or its territories.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited and does not exist.

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d. Minimum Age for Employment of Children

The minimum age for full-time employment is 15. The law describes detailed specific limitations to work which may be one by those aged 15 to 18. The law is rigorously enforced.

e. Acceptable Conditions of Work

Danish law prescribes acceptable conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. It also establishes a labor inspection service which ensures compliance with labor legislation. There is no minimum wage, but the lowest hourly wage set in any national labor agreement is \$9, which is adequate to ensure a family a decent living. Danes are guaranteed 5 weeks' paid vacation a year and a 38-hour workweek.

Similarly, work conditions are negotiated by means of collective bargaining in Greenland with some variations from the pattern in Denmark due to different levels of development. A major issue in collective bargaining negotiations in Greenland is the wage differential between indigenous and temporary Danish workers which arises because of the need to attract skilled workers from Denmark. This caused a major long-term strike by government workers in 1989. All parties in the Greenlandic Parliament have agreed to discontinue the differential soon. Another major difference is that no unemployment compensation is paid in Greenland unless a collective bargaining agreement specifically includes it. The Greenlandic tradition of spending part of a year hunting and fishing has slowed the evolution of a concept of unemployment. Because of this phenomenon and the lack of resources, Greenland has postponed establishing a legislatively mandated unemployment compensation system.

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Estonia, an independent state between the two World Wars, was annexed by the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 as a constituent republic. The United States does not recognize the forcible incorporation of Estonia into the U.S.S.R.

Like the other Baltic states, Estonia has generally been subjected to the same centralized rule, the same Constitution and judicial system, and the same restrictions on civil and political liberties as the Soviet Union. Political power has been exercised by the leadership of the Communist Party of the Soviet Union, which tightly controlled the activities of local government and Communist Party structures in Estonia.

Estonians have taken advantage of liberalization in the Soviet Union since 1988 to exert greater control over their own affairs. Responding to mass public pressure demanding political democracy and respect for human rights, the Estonian Supreme Soviet (parliament) adopted a "Declaration of Sovereignty" and constitutional amendments in November 1988, declaring that its laws superseded those of the U.S.S.R. Supreme Soviet. In response to both the Estonian declaration and related developments in other Republics, the Supreme Soviet Presidium voted on November 10, 1989, to instruct all 15 Republic Supreme Soviets to bring their laws into conformity with all-Union law and the Soviet Constitution. By the end of 1989, however, no action had been taken to enforce this declaration. The Estonian Supreme Soviet declared in November 1989 that Estonia had been illegally incorporated into the Soviet Union in 1940.

The primary law enforcement organization is the militia (police). The powerful Committee for State Security (K.G.B.), special troops of the Ministry of Internal Affairs (M.V.D.), and the regular Soviet armed forces, which maintain a significant presence in Estonia, can be assumed to take orders from authorities in Moscow. Although K.G.B. surveillance is assumed to continue, there were few reports of human rights violations in 1989 by the security and military apparatus.

The standard of living in Estonia is higher than the Soviet average, but the margin is shrinking. Estonians resent the fact that much of the national income they create is transferred to other Republics and that most major economic enterprises are controlled by central ministries in Moscow. They also complain about a continuing decline in the quality and quantity of food supplies and consumer goods. In May the Estonian Supreme Soviet adopted a plan for a transition to economic autonomy to begin on January 1, 1990, with future relations between the Estonian and Soviet economies to be based upon mutual agreements. The U.S.S.R. Supreme Soviet in November voted to grant Estonia control over its land, resources, banks, and a portion of state-run industry.

For the second year in a row, the human rights situation in Estonia improved markedly. As in the latter half of 1988, the authorities tolerated public expressions of Estonian national sentiment and independent political views which had previously been repressed. For the first time since annexation by the Soviet Union, relatively free multicandidate elections were held both to the U.S.S.R. Congress of People's Deputies and to local government councils. The independent prodemocratic mass organization, the Estonian People's Front, was officially registered as a sociopolitical movement, and the right of

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other independent organizations to freedom of association was generally respected. Limited progress was made, both in Estonia and the Soviet Union, toward legislative reforms that would help to institutionalize human rights improvements.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no confirmed cases of such killing in 1989. The 15-year-old daughter of former political prisoner Enn Tarto, an advocate of Estonian independence, was shot to death in 1989 under mysterious circumstances.

b. Disappearance

There were no known instances of permanent or prolonged disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In Estonia, as in the Soviet Union, harsh treatment of prisoners occurs during both interrogation and confinement in labor camps, prisons, or psychiatric hospitals. Physical and psychological abuse of prisoners, as well as detention under extremely unhealthful conditions, are common. Estonians in 1989 remained concerned about reports that Estonian youths are subjected to physical abuse, beatings, and degrading treatment in the Soviet armed forces.

d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written and interpreted so broadly that persons may be arrested and convicted for trying to exercise their basic human rights. During 1989, however, the authorities in Estonia did not use these laws to arrest political activists.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Despite provisions for judicial objectivity in both the Estonian and Soviet Constitutions, the State retains the ability to control the judicial process and arbitrarily determine the outcome of trials. Procedural safeguards, such as the right to a public trial and to a defense attorney, are generally respected but are not sufficient to guarantee fair trials. Reforms to strengthen the rights of defendants have been proposed but were not implemented in 1989.

There were no known trials on purely political charges in 1989, and no Estonians were known to be imprisoned for purely political reasons at the end of 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government continued to interfere in personal life through the use of informers, monitoring of mail and telephones, surveillance, and other means. The security apparatus did

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little, however, to intimidate Estonians or to hinder the virtual explosion of social and political activism which began in 1988 and continued through 1989. Advocates of Estonian independence reported that obvious surveillance of their movements declined in 1989.

Contacts between Estonians and visitors from foreign countries continued to be monitored, despite a considerable increase in such contacts during 1989. Although many Estonians continued to assume that telephones and mail were monitored, they exhibited little fear of using these means of communications to express their views.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Soviet Constitution provides for most internationally accepted political liberties on the condition that exercise of them does not threaten the security of the Socialist system. The Estonian Constitution was amended in 1988 to include the provisions of the International Covenant on Civil and Political Rights, as well as other internationally recognized human rights instruments, as "an inseparable part of the legal system."

In previous years, the authorities had interpreted all such constitutional guarantees to fit the convenience of the State. Vague Soviet laws prohibiting "anti-Soviet agitation and propaganda" and "anti-Soviet slander", which had frequently been used in previous years to punish Estonian human rights and political activists, were replaced in 1989 by a more limited provision which specifically outlaws calls for the "violent overthrow" of the Soviet system.

In 1989, freedom of speech was widely respected. The authorities tolerated public expression of virtually any viewpoint, including criticism of Soviet officials and calls for the immediate withdrawal of Soviet "occupation" troops from Estonia. Several hundred thousand Estonians signed a petition calling for annulment of Estonia's 1940 "request" to join the U.S.S.R. Display of Estonian national symbols, which had been repressed until mid-1988, was extremely widespread and officially sanctioned in 1989.

The range of subjects covered by official Estonian television, radio, and publications continued to expand in 1989. Print and electronic media devoted considerable attention to the 50th anniversary of the Molotov-Ribbentrop Nonaggression Pact between Nazi Germany and the Soviet Union. The media also publicized the secret protocols that became the basis for the Soviet occupation and annexation of the Baltic states. The Pact and the protocols were widely republished in 1989 by Estonian newspapers, which also provided extensive treatment of the Soviet Union's 1940 occupation. Reports in the Estonian media on events in other areas of the Soviet Union, including such incidents as the April 9 killings by Soviet military forces in Tbilisi, tended to be much more timely and open than the reports provided by the central Soviet media.

The Estonian media provided extensive information about the positions of candidates in the spring elections for the U.S.S.R. Congress of People's Deputies and in the December 10 local elections, and they regularly reported on the views of Baltic deputies to the Soviet Parliament. These views

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frequently differed from those of the political leadership in Moscow, particularly when the Central Committee of the Soviet Communist Party issued a harshly critical statement about the Baltic opposition movements on August 26. The Baltic responses included calls for the repeal of Article 6 of the Soviet Constitution, which provides for the "leading role" of the Communist Party.

While self-censorship was exercised in varying degrees by individual editors and journalists, no political subject remained off-limits in 1989. Articles advocating the reestablishment of Estonian independence appeared in numerous publications, as did articles opposing the service of young Estonians in the Soviet armed forces.

Among the issues on which Estonians expressed themselves most strongly in 1989 was the state of the environment. They were particularly concerned about the impact of oil shale mining in northwestern Estonia as well as the harmful environmental effects of aircraft using a military airfield near the historic university town of Tartu. Official censorship was apparently used to prevent the publication of such "state secrets" as operational military information, but the military draft and the environmental consequences of military bases were subjects addressed by the media. There was one report that military authorities had threatened to draft journalists who had written critical articles about the military.

Despite the extraordinarily open nature of the Estonian press, most publications remained under the formal control of the Communist Party or other official organizations. Independent publications were produced legally by the Estonian People's Front, the Estonian Heritage Society, a Jewish cultural society, and some other nonofficial organizations. Unauthorized (samizdat) publications were also produced and distributed by various groups without hindrance from the authorities, although the opinions in such publications were increasingly available in the official press.

b. Freedom of Peaceful Assembly and Association

The peaceful assembly of citizens is controlled by the authorities, who retain the power to prohibit public gatherings. Soviet guidelines on demonstrations and meetings are contained in a 1988 decree confirmed by the U.S.S.R. Supreme Soviet, but the Estonian Supreme Soviet declined to adopt relevant implementing legislation.

In practice, the people of Estonia were allowed to hold mass meetings and demonstrations without hindrance from the authorities in 1989. Many of these meetings took place on anniversaries of historical events, commemoration of which had been repressed in previous years.

The Presidium of the Estonian Supreme Soviet declared February 24, the independence day of the interwar Estonian Republic, to be officially commemorated as the "Day of Restoration of Estonian Statehood." Leading Estonian Communist Party and government leaders participated along with People's Front leaders in public ceremonies attended by thousands of people as the blue, black, and white flag of the independent Republic, now recognized officially as Estonia's national flag, was raised over the symbolic Tall Hermann tower in central Tallinn. It replaced the red state flag of the Estonian Soviet Socialist Republic.

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Hundreds of thousands of Estonians joined hands August 23 in the first link of a 2-million-person human chain that extended through Latvia and Lithuania as a sign of protest marking the 50th anniversary of the Molotov-Ribbentrop pact. Participants in the demonstrations and related meetings ranged from members of the Estonian People's Front and many other nonofficial organizations, including the Estonian National Independence Party (ENIP), to the leaders of the Estonian Communist Party and Government. The Central Committee of the Soviet Communist Party criticized these events in an August 26 statement as "nationalist hysteria."

The Estonian Constitution provides for the right to associate in public organizations and movements (such as the People's Front), but this right had been limited in previous years by legislation and repressive practices. A new law concerning official registration of public organizations was adopted in 1989, requiring the Government to review applications promptly and explain the reasons for any refusals. The People's Front was officially registered, as were the ecological "Green" movement and many other groups, but ENIP and other political parties were not registered.

While continuing to exercise a measure of control over mass organizations associated with the Communist Party, the authorities have acquiesced in the rapid growth of both registered and unregistered clubs, professional associations, and other organizations. There were no reports of significant harassment of any of these groups.

In 1989 a coalition of ENIP, the Estonian Heritage Society, and the Christian Union began an effort to form Estonian Citizens' Committees and eventually to convene a Congress of Estonia. Estonian citizens were defined as persons who had been citizens of the Estonian Republic in 1940 as well as their descendants, while other residents of Estonia were invited to submit applications for Estonian citizenship. Despite criticism from the authorities, who feared that the Citizens' Committees would represent a form of parallel political power, over 500,000 persons had registered by year's end.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Soviet Constitution provides for the right to profess, or not to profess, any religion, both the party and Government promote atheism. The authorities continued to improve their relations with organized religion in 1989. Christmas was celebrated as an officially sanctioned holiday for the second consecutive year, and religious services were sometimes shown on television. Top Estonian political leaders held highly publicized meetings with leaders of the Republic's religious communities, and there were no reports of significant church-state conflicts. Nevertheless, state control of religion continued to be formally governed by repressive 1929 Soviet legislation, as neither the U.S.S.R. nor Estonian Supreme Soviet adopted a new law to guarantee freedom of conscience.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor fully permitted in practice, although Soviet officials have publicly pledged to bring their legislation into conformity with international standards. The right to emigrate by choice is not recognized by Soviet law, and persons wishing to leave temporarily are generally required to present an invitation from abroad. Many Soviet Jews in Estonia were denied permission to emigrate in previous years, but the upsurge in Soviet Jewish emigration has had a positive effect on Jewish emigration from Estonia as well.

Although travel abroad is limited by restrictive legislation and arbitrary enforcement, bureaucratic procedures are considerably less cumbersome in Estonia than in the Soviet Union as a whole. For the second consecutive year, there was a dramatic upsurge in the number of Estonians visiting the United States and other Western countries in 1989. Leading figures in all of the Republic's main political movements, including the People's Front and groups favoring immediate Estonian independence, visited Western countries to present their views. An unprecedented number of Estonian-Americans, other emigres, and persons of Estonian descent were able to visit Estonia in 1989, with many visitors permitted to visit areas that are formally "closed" to foreigners.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Until 1989 the peoples of Estonia and the Soviet Union had not been free to change government leaders or the system of government. For the first time in postwar Estonian history, however, representatives to the U.S.S.R. Congress of People's Deputies (the federal legislature) and to Estonia's local soviets (government councils) were chosen in 1989 by secret ballot, on the basis of universal suffrage, in relatively free multicandidate elections.

Although alternative parties could not formally participate in the Estonian elections, nominating procedures were sufficiently flexible to permit nomination of candidates with a very broad range of political views. Unlike many areas of the Soviet Union, there was no apparent manipulation of the candidate registration process to exclude "troublesome" candidates from the ballot in Estonia. While many Communist Party leaders were elected or reelected to their posts, others --including the chief of the K.G.B. for Estonia--were defeated. Most of the successful candidates campaigned with the active support of the Estonian People's Front, which was able to nominate candidates on its own authority in the local elections. In heavily Russian districts, however, successful candidates included leaders of the predominantly Russian-speaking "Intermovement" and "United Councils of Work Collectives."

The spring elections to the U.S.S.R. Congress were boycotted by the Estonian National Independence Party, which opposed participation in elections to the legislature of Estonia's "occupying power." Participation in these elections was nevertheless very high, over 80 percent. Several predominantly Russian organizations favored a boycott of the December 10 elections to local government councils as a protest against the residence requirement for candidates to

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local office as well as other legislation which allegedly discriminates against non-Estonians. While the boycott reduced the turnout somewhat, a majority of voters took part in the local elections.

Although the Estonian Parliament and Government were not democratically elected, in 1989 they were frequently responsive to the sentiments of popular movements and the general public. Draft laws were circulated and amended on the basis of constituents' expressed interests, and the agenda for government action was heavily influenced by the People's Front, a leader of which--Edgar Savisaar--was appointed as a Deputy Prime Minister in 1989. The Estonian Supreme Soviet condemned the Molotov-Ribbentrop Pact and endorsed reports which characterized the Republic's incorporation into the Soviet Union in 1940 as illegal.

Multicandidate elections to the Estonian Supreme Soviet were scheduled to be held on March 18, 1990, potentially providing the people of Estonia with their first opportunity in postwar history to determine the composition of their own parliament and government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government has adopted a more forthcoming approach to foreign criticism of its human rights record in recent years, acknowledging that human rights are a legitimate subject of official diplomatic contacts. In the case of Estonia, the U.S.S.R. Supreme Soviet's Presidium was involved in a dispute with Estonian authorities over alleged human rights violations. The central Government accused the Estonian Supreme Soviet of violating the human rights of its non-native population by adopting a 2-year residence requirement for voters in Estonian local elections.

Although there were few other allegations of human rights violations in Estonia in 1989, the Estonian Government generally welcomed foreign and nongovernmental observers on any subject.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of race, sex, or other grounds is prohibited in the Constitution. Tensions between ethnic Estonians and Russians, however, are always near the surface in Estonia where a low Estonian birthrate and an official Soviet settlement policy have caused the ethnic Estonian proportion of the population to fall from 92 percent in 1939 to approximately 60 percent in 1989. These tensions were expressed in heated debates over a number of issues. Ethnic Estonians continued to complain that they could not always conduct business in their own language, that immigrants from the Soviet Union receive favored treatment in the provision of housing and other social services, and that nonresidents frequently visited Estonia in order to buy out the Republic's relatively well-stocked stores.

The Estonian Supreme Soviet adopted a detailed language law to provide Estonian language training and to require that incumbents of certain management and service positions will eventually be bilingual. Regulations were issued to prevent

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nonresidents of Estonia from purchasing goods which are in short supply, and measures to control immigration were under consideration in 1989. Ethnic Russian and other Russian-speaking residents of Estonia were generally concerned by the Estonian language law, and many also objected to the Estonian economic autonomy plan, which asserted the "priority" interests of the native Estonian population and called for the Republic to assume control over enterprises which are currently subordinate to Moscow-based ministries. Russian-speaking workers constitute a significant percentage of the work force at such enterprises.

In the absence of a citizenship law, the Estonian Supreme Soviet adopted a requirement of 5 years' residence in a local district, or 10 years in Estonia, in order to stand as a candidate for local office.

Although the number of persons negatively affected by the local elections law was relatively small, representatives of the Russian-speaking population complained that it would have the effect of retroactively disenfranchising voters who had recently moved to Estonia. They also noted that it would affect very few ethnic Estonians, most of whom could meet its requirements for a total of 5 or 10 years' residence in the Republic. In July and August, at least 40,000 predominantly Russian workers staged a political strike in the Estonian cities of Tallinn and Kohtla-Jarve to protest the residence requirements in the local election law. The strike was halted when the Estonian Supreme Soviet agreed to defer consideration of the residence requirements but was resumed after adoption of the election law. The Estonian Government responded by issuing a decree to ban the strike, but the decree was not enforced.

Meanwhile, the Presidium of the U.S.S.R. Supreme Soviet ruled that the residence requirements were discriminatory and that they violated the Soviet Constitution as well as the U.S.S.R.'s international human rights commitments. The strike was ended when the Republic's leadership agreed to enter into negotiations with strike leaders, eventually proposing a one-time suspension of the residence requirement for voters. This proposal was accepted by the Estonian Supreme Soviet in October, with the proviso that the election law will subsequently be brought into line with a new citizenship law. The compromise did not satisfy the Russian strike leaders, who continued to complain about the residence requirements for candidates in local elections as well as about other provisions of the election law.

While major ethnic tensions in Estonia divide the Estonian and Russian populations, most ethnic groups have formed officially recognized cultural societies which work closely with the Estonian People's Front on proposals to enhance their cultural autonomy. A law to protect the rights of national minorities was adopted by the Estonian Supreme Soviet in December.

Over the past 10 years, discrimination and persecution has been directed against Estonians who sought to express their national and cultural identity, against independent political and religious activists, and against Jews and Pentecostals wishing to leave the country.

Women nominally enjoy the same legal rights as men, and an extensive system of day-care service and maternity benefits assists women in obtaining and retaining jobs.

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Estonian statistics on the problem of violence against women, including wife beating, are unavailable. The official Soviet press in 1989 discussed the issue, and the Soviet Council of Ministers established a special branch (headed by a woman) to study the problems of women. Human rights and women's rights groups in Estonia are aware of the issue but have focused their efforts thus far on the broader questions of independence and freedom.

Section 6 Worker Rights

a. The Right of Association

Soviet labor law and practice has generally been enforced in Estonia. There has been no right of association as defined by the International Labor Organization (ILO). Although the Constitution grants Soviet citizens the right to form trade unions, attempts to exercise this right independently of the state-controlled union had always been repressed. New professional associations with no ties to Moscow were created in 1989, but it is not yet clear whether they will effectively exercise trade union functions.

A dual effort to reform Estonian labor legislation and practice began to take shape in late 1989, with adoption of a new law on trade unions and moves toward comprehensive overhaul of the official trade union organization. The law cites ILO standards and provides for trade unions to exist as independent organizations with the right to strike to defend workers' interests. It is too soon to judge the practical effects of these proposed changes, which are consistent with the stated goals of the Estonian economic autonomy plan.

In addition to the politically motivated strikes by at least 40,000 predominantly Russian workers protesting against the new Estonian election law, a few other brief strikes were reported in the Estonian press. There were no reports of repression against strikers in 1989.

b. The Right to Organize and Bargain Collectively

Workers in Estonia generally have not been able to organize or engage in collective bargaining. Virtually all workers in the Soviet Union automatically become members of an affiliate of the official Soviet trade union organization, the All-Union Central Council of Trade Unions, in order to be entitled to government social welfare benefits. There are no economic incentive zones in Estonia.

c. Prohibition of Forced or Compulsory Labor

Soviet law contains no prohibition on forced or compulsory labor. Most prisoners are confined to camps where they are forced to labor, often under harsh and degrading conditions.

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children is 16. There is no indication of widespread violations of these norms.

e. Acceptable Conditions of Work

Labor conditions in Estonia are similar to those in the Soviet Union. According to the Soviet State Statistical Committee, the average monthly wage in Estonia for blue- and white-collar

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workers in September 1989 was \$430 and for collective farm workers \$488 at the official exchange rate. The minimum monthly wage in the U.S.S.R. was \$140. (The ruble is not a convertible currency, and its value here in terms of the U.S. dollar does not represent actual purchasing power for international purposes.)

The standard workweek is 40 hours. The average workweek is 40 hours for most white-collar workers and 41 hours for most blue-collar workers. Soviet law establishes minimum conditions of health and safety. Press reports suggest, however, that legislation on maximum hours of work and health and safety standards are widely ignored.

FINLAND

Finland is a constitutional republic, a democratic state built upon the principle of the rule of law. Sovereign power in Finland rests with the people as represented by their delegates assembled in Parliament. Supreme executive power is vested in the President. The Cabinet, consisting of the Prime Minister and 16 ministers and responsible to Parliament, works with the President in governing the country. Judicial power is exercised by an independent judiciary consisting of the Supreme Court and the Supreme Administrative Court.

The security apparatus is controlled by elected officials and supervised by the courts.

Finland has a mixed economy with state-owned, privately owned, and publicly owned companies. Citizens are free to pursue their legitimate private interests, hold private property, and engage in economic activity without government interference.

During 1989 there were no reported violations in Finland of fundamental human rights. National minorities and women enjoy the same economic and political rights as all other citizens.

Finland joined the Council of Europe in May, and this event brought to light certain deficiencies in Finnish human rights legislation. During the next 2 years, Finland hopes to enact human rights legislation to meet the standards prevailing in other European countries and to ratify the European Convention on Human Rights without reservations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Killing for political motives did not occur.

b. Disappearance

There were no reported cases of disappearances, abduction, or clandestine detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and cruel, inhuman, or degrading treatment or punishment is guaranteed by law and is respected in practice. By law, prisoners must be treated justly with respect for their human dignity and without distinction on the basis of race, sex, language, nationality, religious or political conviction, social position, wealth, or any other grounds.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment or exile is guaranteed by law and respected in practice. A reform of pretrial procedures took effect on January 1, 1989. The stated purpose of the reform was to achieve uniformity with the practice in other Western countries. The law shortens the detention period to 7 days and gives the accused access to a lawyer during that time. The accused must be given a court hearing within 8 days of notification of the arrest, if in a

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city, or within 30 days, if in rural areas. The State pays legal fees for the indigent defendant.

Circumstances surrounding the arrest are subject to judicial review at the time the accused is brought to trial. The accused may apply to the same court for civil damages for loss of freedom in the event the accused is found to have been innocent of the crime charged and the arrest is deemed invalid.

The institutions of habeas corpus and bail do not exist as such in Finland. While those accused of serious crimes must by law remain in custody, those charged with minor offenses may be released on personal recognizance at the court's discretion.

Preventive detention is authorized only during a declared state of war for narrowly defined offenses, such as treason, mutiny, and arms trafficking. Supervisory personnel from the Ministry of Justice and the Ministry of the Interior as well as the Parliamentary Ombudsman and the Chancellor of Justice have authority to enter prisons and to order the release of prisoners held without charges. Exile has not been used as punishment in Finland and, by law, Finnish citizens may not be exiled.

Legislation with regard to conscientious objectors to Finland's obligatory military service took effect in 1987 for a trial period of 5 years. While Jehovah's Witnesses are exempted from military service under the law, other Finnish citizens must serve in the military or become conscientious objectors. The law abolished the Investigative Board--a controversial entity which decided unilaterally the status of conscientious objectors--and lengthened the alternative civilian service for conscientious objectors to 16 months, twice the minimum length of military service. The passage of the law is reportedly a result of the Investigative Board's increased disposition to reject a growing number of applications for civilian service in recent years. Under the old law, those who refused unarmed service within the defense forces and were not granted alternative civilian service--including Jehovah's Witnesses--went to jail. A reduction of the period of alternative service is under current discussion in Finland.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to fair public trial is guaranteed by law and respected in practice. Finnish citizens and aliens legally residing in Finland have the right to effective counsel. The law provides that charges must be clearly stated and that civilians may not be tried by military courts except in time of war. There are no separate "security" courts. Local courts may decide to conduct a trial behind closed doors in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the national security of the State. In national security cases, the judge may withhold information from the public pertaining to charges against individuals, verdicts, and sentencing. Sanctions may be imposed if such information is made public. Provisional tribunals are constitutionally prohibited.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy and the sanctity of the home, including prohibition of eavesdropping and mail tampering, are guaranteed by law and respected in practice. The security police are subject by law to judicial scrutiny.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Law and practice, an effective judiciary, an independent press, and a functioning democratic political system assure freedom of speech and press. There have been no instances of abuse or legal decisions restricting freedom of the press. The press occasionally exercises restraint in treating issues deemed to be potentially harmful to the national interest, but is under no compulsion from the Government to do so. Full academic freedom prevails.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is guaranteed by the Constitution. However, only Finnish citizens may associate with a group whose aim is to influence political issues. Public demonstrations require prior permission from the police.

The Government encourages voluntary organizations and subsidizes private groups formed to achieve a public purpose. They are permitted to maintain relations with other international groups in both Communist and Western countries. Organizations with more than one-third foreign membership require government permission to operate in Finland.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Finland has two state religions: Lutheran and Eastern Orthodox. Taxes are collected by the Government from members to support churches belonging to these religions. All other religious groups enjoy unrestricted freedom of worship. Approximately 89 percent of the population belongs to the Lutheran Church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Finns are free to travel within the Nordic countries--Finland, Sweden, Norway, Denmark, and Iceland--without passports and need not apply for exit visas for travel to other countries. Over 200,000 Finns have emigrated to Sweden in the past two decades--primarily to seek employment--and over one-half of them have since returned. No restrictions are placed on emigration or repatriation.

Debate on the criteria used by the Finnish Government in deciding to grant political asylum continued in 1989. The Government maintains that, "in accordance with the Geneva Agreement, Finland grants asylum to individuals arriving (in Finland) who have the characteristics of refugees as determined by the Agreement." The Ministry of the Interior

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categorically denies that any agreement exists with the Soviet Union regarding repatriation of would-be Soviet refugees. Finland has not turned back any citizen of the Soviet Union or a Communist country who has asked for asylum, although in some incidents over the past few years persons who unwittingly crossed over into Finnish territory have been returned. Decisions on who is a legitimate refugee are made by the Minister of the Interior. In the case of an economic refugee who does not wish to return to his home country and is not accepted as a refugee in Finland, the Finnish Government permits the refugee to apply elsewhere. Even economic refugees will not be forced to return to Communist countries if they ask to go elsewhere and are accepted by a third country. Finland does not grant asylum to people wishing to escape economic hardship.

Current law does not define the grounds on which the applicant for political asylum may be repatriated. Guidance is provided by the U.N. Convention (and Protocol) Relating to the Status of Refugees, of which Finland is a signatory. Legislation has been proposed which will state less ambiguously the grounds for repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Finland is a multiparty, parliamentary democracy in which all citizens over the age of 18 are free to elect their representatives from among multiple lists of candidates representing a wide spectrum of political ideologies. The Finnish people freely choose by direct election a 200-member unicameral Parliament every 4 years. At present, there are seven political parties and a group of Greens represented in Parliament. Four of the parties form a so called "Red-Blue" coalition, headed by a Conservative Prime Minister. A reform of the presidential elections to change them in the direction of a direct popular vote was applied for the first time in the 1988 election. Two ballots were cast, one for the favored presidential candidate, the other for an elector in case none of the presidential candidates received an absolute majority of the votes cast. In the latter case, an electoral college of 301 electors would conduct the final vote. Presidential elections are held every 6 years.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Finland has not been the subject of an international investigation of alleged human rights violations. Within Finland, several organizations monitor human rights performance, including the Finnish Red Cross, the government-sponsored Equality Council, and the Women's Rights Union. A Finnish Helsinki Watch Group was established in July 1985 but was not very active during 1989. In conjunction with the Swedish-language University in Turku, a Human Rights Institute was founded in the spring of 1985 with the stated purpose of conducting human rights research, performing studies, and distributing information on human rights. Finland participates actively in international human rights organizations.

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Section 5 Discrimination Based on Race, Religion, Sex, Language, or Social Status

Food, shelter, education, and health care are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

Although fewer than 20,000 aliens live in Finland, instances of violence have been recorded against resident Vietnamese refugees in Helsinki. The Government has strongly condemned these acts and has asked the police to make a more determined effort to apprehend the perpetrators.

Lapps constitute less than one-tenth of 1 percent of the Finnish population. They benefit from legal provisions protecting minority rights and customary practices. There is no discrimination in practice.

The government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, and retirees. In 1985 Parliament passed two bills concerning the status of women. The first was a Comprehensive Equal Rights Bill which mandates equal treatment for women in the workplace. The second was a Family Name Bill which permitted women to retain their maiden names after marriage as their only surname. The law also made it possible for a man to take his wife's name. The Government's Equality Ombudsman monitors compliance with regulations against sexual discrimination. Of the few cases reported in 1989, the most significant concerned a complaint that a man was elected to an office for which a woman may have been more competent.

The first shelter for female victims of violence was opened 10 years ago. During 1988, 1,193 women (of which 79.9 percent were married) were treated in 10 shelters throughout Finland. The shelters also treated 70 men and two minors under the age of 18. Some critics suggest that the number of actual cases may be greater than those reported. Prosecution of perpetrators of intrafamily violence is low--except in cases of aggravated assault--because of the propensity of Finns not to file complaints against family members.

Section 6 Worker Rights

a. The Right of Association

Trade unions are constitutionally guaranteed the right to organize, assemble peacefully, and strike--rights which are respected in practice. They enjoy a protected status and play an important role in political and economic life. A 1-million-member blue-collar confederation, the Central Organization of Finnish Trade Unions (SAK), dominates the trade union movement.

Three other central organizations cover white-collar, professional, and technical employees. All trade unions are democratically organized and managed and are independent of the Government. Finnish trade unions engage freely in Nordic and international labor activities.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively exists in law and practice and is exercised extensively. There are no

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export processing zones in Finland. Finland is a highly organized society in which more than 80 percent of both workers and employers are members of trade unions and employers' collective bargaining associations. With very few exceptions, all collective agreements since 1968 have been based on incomes policy agreements between central employees' and employers' organizations and the State. The central agreement covers the general level of wage and salary increases, other terms of employment, and a "social policy package" which provides for vacation, holidays, sick pay, maternity and paternity leave, travel costs, taxes, rents, etc. Workers are protected against antiunion discrimination.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and it is not practiced.

d. Minimum Age for Employment of Children

While the minimum age for employment in Finland is 18, there are some paid training/apprenticeship programs starting at age 16. There is compulsory education legislation in Finland, and child labor is not a problem.

e. Acceptable Conditions of Work

There is no legislated minimum wage in Finland although all employers--including nonunionized employers--are required to pay the minimum wages agreed to in collective bargaining agreements in their industrial sector. Collective bargaining agreements provide minimum wages of about \$9 per hour, which is adequate to ensure a family a decent living. The standard legal workweek must not exceed 40 hours in Finland.

Extensive legislation protects the worker's health and safety and ensures reasonable working conditions. All aspects of Finnish labor law are effectively monitored and enforced by the Ministry of Labor. Compliance with labor legislation is effected through the Ministry of Social Affairs and Health and the National Board of Labor Protection. Regional and local supervision is delegated to 11 labor protection districts, each employing several inspectors.

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France is a democratic republic with constitutional provisions for human rights, civil liberties, freely functioning political parties, and regular elections. There is universal suffrage and voter participation is high.

The highly developed industrial economy features a mixture of public and private enterprises. The Government has halted the previous government's policy of denationalizing key industries, banks, and certain services while declaring that there will be no new nationalizations.

The military/security apparatus consists of the three traditional services, the 90,000-strong gendarmerie (national police/paramilitary force), and the police in major cities. These highly professional forces have a tradition of respect for human rights.

France's cabinet-level Secretary of State for Human Rights, who reports directly to the Prime Minister, is tasked with promoting human rights in France. Through a firm counterterrorist policy, France has reduced, but not eliminated, violent incidents perpetrated by small extremist groups. French authorities have taken steps to protect the rights of women and minority groups. France's overall human rights record is excellent.

The promotion of human rights is also a principal tenet of French foreign policy. There is a cabinet-level Minister-Delegate for Foreign Affairs with specific responsibilities for international human rights matters.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

There is no evidence that French security services engaged in political and other extrajudicial killings in 1989. There were no major international terrorist murders, and the few incidents of violence perpetrated by the country's domestic terrorist groups, primarily Basque, Breton, and Corsican separatists, were mostly minor and nonlethal. The judicial system continued its vigorous prosecution of terrorists.

The president of the New Caledonian proindependence Kanak National Liberation Front (FLNKS), Jean-Marie Tjibaou, was assassinated in May by a proindependence extremist at a political meeting. The assassin was immediately shot and killed by Tjibaou's bodyguards.

b. Disappearance

There is no evidence that French security services have engaged in abduction or secret arrests.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

France does not condone or practice torture or cruel, inhuman, or degrading treatment or punishment. However, there have been a few documented cases of police brutality, including the

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beating of one American in a drug-related case in 1988. Investigation of this case is still under way.

d. Arbitrary Arrest, Detention, or Exile

French law guarantees freedom from arbitrary arrest and imprisonment. There is no direct equivalent of habeas corpus in the French legal system, but there is a limit of 2 days--4 for drug and terrorist cases--before a suspect must be transferred to a magistrate for investigation.

The judiciary plays a determining role in the detention process. Government authority to hold a person beyond the prescribed periods is severely restricted, and such detention must be ordered by the competent court.

There is no provision for exiling persons. There is no evidence that the authorities detain any person for political reasons.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right of fair public trial is guaranteed by law and respected in practice. Suspects are presumed innocent until proven guilty and have the right to legal counsel as soon as their cases are transferred from the police to the magistrate. For misdemeanors, pretrial confinement normally is limited to 4 months, with extensions in special circumstances of approximately 8 to 12 months. However, in drug cases (all of which are handled by the courts as misdemeanors), pretrial confinement may be unlimited. For felonies, pretrial confinement also is not limited. This pretrial period may be lengthy, depending upon the seriousness and complexity of the case. Evidence is gathered and assessed by an independent examining judge. Defendants are free to request and present evidence during this important investigatory period.

Trials in France are normally open and public, but provisions exist for the defense to request a closed proceeding. The press has free access to records of court proceedings, although under French law the prosecutor may not disclose information about cases being tried or investigated.

French law provides for the right of appeal, except in jury trials of felony cases. An appeal to the Court of Cassation is possible in felony cases, but this court rules only on procedure; no appeal that involves review of the facts of the case is possible.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

French law guarantees freedom from invasion of privacy, and this freedom is respected in practice. The search of a private residence requires a search warrant and must take place between 9 a.m. and 6 p.m. except in special circumstances, such as drug cases, when the search may be undertaken at any time. Telephone conversations may be monitored in conjunction with criminal proceedings with a court order and in national security cases with administrative approval from the agency conducting the investigation.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by law and respected in practice. Newspapers and magazines are free from government control and present views ranging across the political spectrum. There are two state-owned and three private television networks, in addition to private cable channels. Private radio stations have operated in France since 1983. Hundreds are now on the air and offer a wide array of independent, uncensored programming. Academic freedom of expression is respected in both public and private academic institutions.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is widely respected, although, except for a specific reference to trade unions, it is not mentioned in the Constitution. Groups wishing to organize public meetings, protest marches, or demonstrations must obtain a permit from the local authorities. Permits are routinely granted for both political and apolitical gatherings. Private associations, whether political or apolitical, must register with the prefecture in the department in which they are established, but they do not require the prefecture's authorization to exist. Such registration is considered routine. Informal associations, such as those without officers, bylaws, or dues, need not register.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholics comprise by far the largest religious group in France. Separation of church and state is guaranteed by law. All religious groups function freely without persecution. Private and parochial schools receive substantial subsidies from the Ministry of National Education.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

French law provides for freedom of internal movement, foreign travel, emigration, and repatriation. Arriving refugees, intending emigrants, and intending repatriates can undertake foreign travel and, in most instances, return to France. France has an extensive record of refugee aid and resettlement.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people have the right and ability to change their government by peaceful means, not only through the election of national representatives but also through amendment of the Constitution by means of a national referendum. This right was exercised with the adoption of a new Constitution in 1958.

The Constitution guarantees the equality of all citizens before the law, without regard to origin, race, or religion. All French citizens who have reached majority may vote, except for most convicted criminals, bankrupt persons, and persons certified to be mentally incompetent. These provisions are

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fully respected in practice. Presidential elections are held every 7 years, and elections for the National Assembly are held every 5 years, unless the Government is dissolved, in which case elections may be called sooner.

A wide variety of political parties compete freely in elections. In addition to national, presidential, and legislative elections, there are regularly scheduled local elections. For several years, the Government has been transferring selected powers from the executive branch to locally elected assemblies. Many special interest groups--business, labor, veterans, consumer advocates, ecologists, and others--organize freely and regularly support candidates for elective office.

The Matignon Accords of 1988, which call for a territorial referendum in 1998 to decide the future of New Caledonia, continued to be implemented in 1989. Municipal elections in March and provincial elections in June were conducted fairly. Despite the assassination of FLNKS leader Tjibaou in May (see Section 1.a.), the level of ethnic violence in the territory has substantially diminished.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

France has traditionally been a leader in the human rights area. Human rights organizations, including the International Federation for Human Rights, operate freely in France.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The authorities do not condone discrimination based on race, religion, sex, ethnic background, or political opinion. Although incidents of racial, religious, or political discrimination occur, particularly against the large immigrant community of Arabs and Africans, authorities consistently condemn such incidents. Food, shelter, health care, and education are available to all inhabitants.

Women have equal status under the law but are engaged in continuing efforts to maintain and strengthen their rights. A cabinet-level Secretary of State for Women's Rights, appointed in 1988, operates under the direct supervision of the Prime Minister. The Government also has taken steps to close loopholes in French legislation on sex discrimination in the workplace and to eliminate sexist advertising. In 1985 it passed legislation to ensure more equality in marriage rights.

The Government does not tolerate violence and abuse against women, and such violence, including wife beating, is prohibited under article 309 of the penal code. In 1987, the latest year for which statistics are available, 7,840 women in France lodged legal complaints of wife beating against their husbands under the provisions of article 309.

The rights of linguistic and ethnic minorities are protected, both in metropolitan France and in overseas territories subject to French authority. The right of legally admitted immigrants to coexist peacefully without assimilating completely into French culture is recognized. Legislation has been passed simplifying the deportation of illegal immigrants

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and tightening immigration procedures. In metropolitan France in 1989, extreme rightwing gangs in a number of instances assaulted members of minority groups, mainly Arabs. The authorities fully investigated such cases and vigorously prosecuted those apprehended.

An accord was signed in 1988 between ethnic Melanesians and European settlers on the status of New Caledonia in an effort to reduce deep-rooted antagonisms between the two ethnic communities.

Section 6 Worker Rights

a. The Right of Association

The Constitution affirms the principle of freedom of labor union association, the right to a job, the right of equal opportunity for education and training, social security, and workers' participation in the operation of the enterprise in which they are employed.

Although only 10 percent of the work force is unionized, trade unions exercise significant economic and political influence. They participate actively in numerous tripartite (government, employer, and worker) bodies dealing with social matters, including labor courts and the Economic and Social Council, a constitutionally mandated consultative body. All unions are technically independent of the political parties, but many of the leaders of France's largest union, the General Confederation of Labor, belong to the Communist Party. (The General Secretary traditionally is a member of the Communist Party Political Bureau.) Leaders of most other unions are members of one or another faction of the Socialist Party, although members of other parties are also active in the labor movement. There are no restrictions on the unions' international activities, and all three world trade union confederations have French affiliates. French workers are free to strike, with a few exceptions in cases where strikes are determined to be a threat to public safety.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively. The principle of free collective bargaining was reestablished after World War II by a law of 1950, with separate statutes applying to public enterprises. The legislation, as amended in 1971 and 1978, encourages collective bargaining at the national, regional, local, or plant level. French law strictly prohibits antiunion discrimination. The law further sets forth procedures for dealing with labor disputes and defines two forms of collective contracts--extendable and ordinary. Amendments added in 1982 require at least annual bargaining on wages, hours, and working conditions at both plant and industry levels. France has no export processing zones, and labor law and practice are uniform throughout the country.

The Government encourages management and labor organizations to negotiate on issues important to public policy--such as adjustment plans for dislocated workers, training, retraining, unemployment compensation, and supplementary retirement schemes. The "social partners" sometimes invite the Government to participate in these negotiations, particularly if legislation will be needed for implementation or if public financing is involved.

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The 1950 law sets forth procedures for resolving labor-management disputes. These are frequently arbitrated by labor inspectors. Conciliation boards, composed mainly of management and labor representatives, have proved ineffective. The Higher Court of Arbitration is rarely used. Mediation of wage issues at the national, regional, or local level has been more successful. Outside mediators, drawn from the upper ranks of the civil service, impose solutions that are binding unless formally rejected by either side within 8 days. In 1988, 1,242,000 man-days of work were lost because of strikes, as opposed to some 969,063 man-days in 1987.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and is not practiced.

d. Minimum Age for Employment of Children

With a few minor exceptions for those enrolled in recognized apprenticeship programs, children under the age of 16 may not be employed. Certain categories of work considered to be arduous and night work (10 p.m. to 5 a.m.) may not be performed by persons under the age of 18 or by women in manufacturing, mining, the public sector, unions, and nonprofit organizations. However, women with managerial responsibilities may perform night work. This prohibition does not apply to women in commercial establishments, entertainment, or the health sector.

e. Acceptable Conditions of Work

France has a minimum wage of about \$4.60 an hour, which is sufficient to provide a decent standard of living. The standard workweek is 39 hours, and overtime is controlled. In general terms, French labor legislation and practice, including that pertaining to occupational safety and health, are fully comparable to those in other industrialized market economy countries. The minimum wage is somewhat less in the overseas departments, and not all social legislation applies in overseas territories.

GERMAN DEMOCRATIC REPUBLIC

The German Democratic Republic (GDR) was created in 1949 as a Communist state out of the Soviet occupation zone of Germany. Approximately 350,000 Soviet troops are still stationed on its soil. The country has been ruled by the Communist Party, known as the Socialist Unity Party (SED). Its General Secretary since 1971, Erich Honecker, was replaced in October by Egon Krenz as a result of the crisis caused, in part, by large-scale popular demonstrations in East German cities and the flight of East Germans to the Federal Republic of Germany (FRG) via Hungary and Czechoslovakia. Krenz was replaced by Gregor Gysi on December 3, 1989, following the resignation of the party leadership. Until November, the SED made all important political decisions; the other four political parties, whose existence was tolerated, had no power or independence. In December, however, the Parliament eliminated the constitutional provision granting the SED the "leading role" in the State.

Despite such formidable barriers as the Berlin Wall, deep historical, cultural, linguistic, and family ties remained between the people of the GDR and those of the FRG. Concern that such ties and constant exposure to Western values could undermine support for the Communist system was a central reason for the Government's tight control over its population. Control was maintained with an efficient and pervasive security apparatus administered by the Ministries of the Interior and State Security, which together employed approximately 300,000 people. Nevertheless, in the process of sanctioning increased glasnost (openness) and responding to the popular demand for the right to travel, the Communist leadership in November opened gates in the Berlin Wall allowing millions of East Germans to visit West Berlin with a minimum of formality. The Berlin Wall thereby lost its significance as a barrier to the free movement of East Germans into and out of West Berlin.

The GDR has had a highly industrialized, centrally planned economy in which the bulk of industry and agricultural property has been state owned. Although private property has been permitted, controls were placed on its acquisition, inheritance, and the income derived from it. Small private businesses, which may have up to 10 employees, are being licensed in increasing numbers.

Until November, the GDR continued to restrict the fundamental freedoms of speech, press, religion, assembly, and travel. However, it permitted record numbers of East Germans to emigrate and make short-term visits to the FRG. Other areas of human rights concern included arbitrary arrest and detention, the absence of fair trials for political prisoners, and arbitrary interference with privacy, family, home, and correspondence.

Beginning in October, the authorities allowed increased freedom of speech and press, tolerated large street demonstrations, and did not interfere with the establishment of new political and other organizations. In December, they disbanded the Ministry for State Security and promised the release of the last political prisoners. Travel regulations for East Germans have been simplified. The new Prime Minister, Hans Modrow, named a cabinet with 11 non-Communist members among the 28 ministers, and free elections have been scheduled for May 6, 1990.

GERMAN DEMOCRATIC REPUBLIC

The following report primarily describes the human rights situation as it existed before the peaceful revolution in October which is now transforming the GDR. Some of the institutions and practices that led to widespread human rights abuses apparently were being changed at year's end, and the next annual report is likely to include a significantly different assessment of human rights practices.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

A 1982 law instructed border guards that they should open fire only as a last resort to prevent a person from leaving the country without permission. By mid-1987, there were reports that the practice of opening fire on would-be escapees had been virtually suspended, except in cases of military or police deserters or self-defense. Though GDR leaders repeatedly stated in 1989 that there is no shoot-to-kill order, there was an increase in shooting incidents at the Wall early in 1989, and one civilian was killed. There have been no verified instances of shooting since April when border guards reportedly were ordered not to shoot at civilians except in self-defense.

Several years ago, the regime removed lethal barriers, such as automatic shooting devices and minefields, which had existed on the GDR-FRG border (but never within Berlin). However, it expanded its system of barriers on the inner-German border to a depth of approximately 20 kilometers, and within Berlin increased the height of the border fence to 3 meters. The opening of the Berlin Wall and simplified travel regulations have rendered these measures obsolete.

b. Disappearance

There were no reports of permanent disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Specific laws state that the life, health, and ability to work of arrestees and prisoners must not be jeopardized. A law promulgated in December 1988 makes it a crime, with penalties up to 10 years' imprisonment, for an official performing state functions to mishandle a person psychologically or physically. There were no known instances in 1989 of this law being applied; previously, punishment of officials for abusing prisoners or detainees was rare.

In the past, prisoners have complained of cruel treatment and have reported excessively harsh conditions and psychological strain in prisons. Recently emigrated prisoners reported the selective easing of conditions within prisons. In particular, they noted an improvement in the guards' behavior. No report of physical abuse by prison officials came to light in 1989. In September, the GDR ratified the U.N. Convention Against Torture.

GERMAN DEMOCRATIC REPUBLIC

d. Arbitrary Arrest, Detention, or Exile

Until November, security agencies had blanket authority to detain and interrogate persons on suspicion alone. People who became particularly active in officially disapproved ways were sometimes subjected to repeated harassment, such as recurrent police interrogations, despite the absence of formal charges. They might be arrested with or without warrants, merely for expressing dissenting views. A person held in detention has the right to a judicial review of continued detention, but in political cases this right might not have been effectively observed. Beginning in November, the authorities generally avoided actions directed at dissidents.

Although the Criminal Procedure Code sets a limit of 3 months on investigatory proceedings, prosecuting authorities appear to have no difficulty in extending this period. Under the old regime, in most political cases, it often took many weeks before interested parties were notified of the arrest.

Charges filed in clearly political cases were often based on laws which were written in vague and general language. The penal code provides, for instance, that the transmission of information "detrimental to the interests of the German Democratic Republic," even if it is not classified, may be considered treason. Laws against "antistate agitation" and "asocial behavior" (parasitism) were often applied selectively against people who become politically active. The broad and vague wording severely restricted the possibility for defense. East German attorneys report that prisoners brought to trial under these laws were only occasionally acquitted. No effort to enforce these laws has been evident since October, and a revision of the penal code can be expected in 1990.

Until November, the authorities in selected cases issued passports and exit visas to dissidents and exiled them to the FRG.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Under the old system, the public was usually excluded from trials involving security and political issues. Although the Criminal Procedure Code guarantees a defendant access to a defense attorney, and this right exists from the beginning of the investigative proceeding, the authorities were not required to inform a detainee of this provision, and the right was not always exercised in a timely manner. Prisoners are allowed to select their own attorneys. However, until investigatory proceedings were completed, prisoners were permitted to see their lawyers only in the presence of the police and to discuss only matters not related to the case. The prosecutor could restrict contacts between the defense attorney and his client. The number of instances in which such restrictions were applied reportedly has been declining, at least in nonsensitive cases. Discussion of a case itself often took place in a brief interview shortly before the trial. Attorneys could not make photocopies of their clients' files. Files could be reviewed only in court, and notes had to be taken in longhand or with the aid of a dictaphone.

GDR attitudes regarding the Criminal Procedure Code are changing. A 1987 official commentary to the Criminal Code and

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the Criminal Procedure Code stated a presumption against restrictions forbidding a defense attorney from discussing the case with his client. Another official commentary advanced the defense attorney's ability to gain more and earlier access to investigative documents. A court handed down a decision which freed a person from pretrial detention, and a Supreme Court justice published an article critical of excessive use of pretrial detention by many prosecutors and lower courts. The plenum of the Supreme Court has established new evidentiary rules which require prosecutors to meet a higher standard of proof in criminal cases. More changes to the GDR criminal justice system may occur due to the reforms which have occurred since October.

Trials in sensitive cases had been short and perfunctory. Constitutionally, the courts were under the control of the Council of State. In reality, they were controlled by the SED, which in effect appointed the judges. Military courts try civilians only in military espionage cases.

Until November, the Government did not admit to holding political prisoners. It did not publish statistics which would assist in determining the number of political prisoners. However, the FRG Ministry for Inner-German Relations has announced that it bought freedom for some 1,247 political prisoners from the GDR in 1987 and for some 1,200 in 1988. The Ministry continued this practice in 1989, but cited no figures. The Salzgitter Center, an FRG government office which monitors GDR human rights abuses, has registered some 25,000 prosecutions for political offenses in the GDR over the past 25 years. Such prosecutions have generally resulted in prison sentences of 18-24 months.

Estimates of the number of political prisoners vary widely, both because of the difficulty in obtaining information and the use of different definitional criteria. Official West German sources speak of more than 1,000 who were being held. The private West German-based August 13 Work Group estimated there were some 3,000 political prisoners, while other human rights groups' estimates ranged as high as 7,000. Most persons who fell into the political category were imprisoned as a result of pursuing their right of emigration by what the GDR considered extra-legal means, such as attempts to cross the Berlin Wall or the FRG-GDR border or to demonstrate publicly for emigration. Following the December 19 meeting between FRG Chancellor Kohl and GDR Premier Modrow, the GDR agreed to release all political prisoners before Christmas 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Until November, the secret police, assisted by informers, opened mail, installed listening devices, placed people under surveillance, subjected them to interrogation and intimidation, and arrested them without due process. By law, the police need court authorization to enter and search a house. They sometimes authorized entry themselves, however, and the courts retroactively gave approval. Evidence thus obtained could be used in court.

Young people are not forced to join the SED's youth movement, the Free German Youth (Freie Deutsche Jugend--FDJ), but school and government authorities made it clear that failure to do so would limit educational and job opportunities. Boys aged 15

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and 16 normally had to attend a 2-week paramilitary training camp where they learned such skills as using weapons and throwing grenades. Since November, the FDJ has become increasingly less important in the GDR.

West German television can be viewed by 80 percent of the GDR populace, and the State does not try to jam or otherwise hinder foreign broadcasts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Until November, freedom of speech remained severely circumscribed. There were restrictive laws relating to free expression, and public dissent could result in prison sentences. Perhaps out of a conscious effort to seem less repressive abroad, however, the authorities appeared increasingly reluctant to punish dissenting speech publicly. Most persons engaging in such activities were merely picked up and detained briefly by the police without charges being filed, as occurred in March, when there was a demonstration in Leipzig against new travel and emigration regulations and surveillance of would-be emigrants. It was also increasingly common for the State to fine rather than imprison individuals who attempted to exercise their right to freedom of expression. For example, some activists staging an independent Rosa Luxemburg/Karl Liebknecht demonstration in Leipzig in January were fined approximately \$515 (at the official exchange rate) apiece, while persons attempting to deliver protest letters to the Chinese Embassy in June were fined amounts ranging from \$256 to \$769. After November, free speech was increasingly tolerated although the restrictive laws were still in effect.

Western journalists' ability to report on events in the GDR is limited by laws restricting their ability to travel without prior permission and to contact potential sources directly. Some East Germans considered contact with foreign journalists disadvantageous and tried to avoid it.

Until November, the Government controlled all media and licensed all publications prior to distribution. The media's basic function was to support and strengthen the Socialist order. Over the past several years, articles have appeared in established journals on previously taboo social subjects, such as alcoholism, homosexuality, child abuse, and juvenile delinquency. Late in 1989, the authorities encouraged increased openness in the media, which was reflected in part in detailed descriptions of the corruption of ousted SED leaders.

Government censorship of church newspapers, which began in 1988, continued into early 1989. Particularly affected was the coverage of church convocations which discussed subjects such as education policy, environmental protection, military service, and conscientious objection. In March, however, possibly as a goodwill gesture, the State stopped this practice. There has been no censorship of church publications since then.

There was little underground literature circulated by dissidents, in part because church-connected groups could circulate materials with considerable freedom within church confines, in part because of the small size of the GDR

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dissident community, and in part because of the pervasiveness of the security apparatus. From time to time, however, unofficial activist groups produced, independently of both the church and the State, underground newspapers in limited quantities. One example is the monthly bulletin, Grenzfall, which covers peace, ecology, human rights, and independent activities in the GDR. Monthly publication of Grenzfall was suspended in January 1988 after some members of the group were arrested in the wake of a human rights demonstration and subsequently emigrated to the FRG. An issue appeared in February 1989 after a year's hiatus.

Circulation or importation of most printed materials required an official permit. Since former SED General Secretary Honecker's September 1987 visit to the FRG, however, East Germany relaxed somewhat the stringent controls governing importation of printed materials from the West. Private persons could import certain specialized publications, even if the publications did not have a special postal license. However, the regulation elastically excluded literature "directed against the preservation of peace and containing other agitation" or "contravening the interests of the Socialist State and its citizens."

The GDR also controlled the distribution of Soviet publications. Until November, it was often difficult for East Germans to open new subscriptions to Soviet periodicals. The State banned single issues of several Soviet publications, for example, an issue of a German-language Soviet newspaper, Neue Zeit, containing an interview with Polish activist Lech Walesa in February 1989. After November, East Germans were permitted to subscribe to Soviet periodicals without restriction.

Western newspapers and magazines were generally unavailable to the public at large. Small quantities of Western journals were for sale for hard currency in international hotels upon request. Some libraries, university departments, and official institutes also received Western journals, but circulation was highly restricted. Until November, GDR and Western travelers could be interrogated or arrested simply for possessing unlicensed printed material.

The SED conceived of art and literature as a means of promoting political goals. The value of works was judged on whether they ultimately conveyed a positive view of Communist society and goals, though they could be quite critical of individual aspects. Overly critical views or perceptions were discouraged or censored. Publishing houses practiced self-censorship, and works had to receive official clearance before they were published, performed or exhibited. Even before the November events, some previously banned books appeared in East German editions and a number of plays were staged on overtly political themes sharply critical of practices and positions inherent in Socialist societies.

Until November, academic freedom was severely limited and even formally restricted by law. The State viewed education as an instrument for "building socialism." All areas of academic inquiry were strictly controlled. Teachers who allowed open classroom discussion of unapproved themes or topics or who deviate from the party line were disciplined. Many books were prohibited totally; others permitted only in university libraries to which carefully screened and authorized personnel were allowed access.

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b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, only the churches maintained the ability to organize meetings without prior state approval. The Government made no move to interfere with events held on church property, including protest gatherings in June over the events in China and an August 13 meeting calling for the destruction of the Berlin Wall.

In contrast, an independent organization, Neues Forum, which wanted to work outside the church to create a broad-based independent dialogue and a more attractive Socialist State, was refused permission to assemble in September. The authorities overturned this decision in November, however, and legalized Neues Forum.

The formation of private organizations or clubs also required government permission. Professional associations for writers and artists were headed by party members and ultimately controlled by the State. Dissidents and critics had been expelled and deprived of important professional privileges.

After the street demonstrations in Leipzig in September and October which spread to other cities, the opening of the Berlin Wall, and the discussions between representatives of the Government and of dissident groups, freedom of assembly and association have expanded in fact although not yet in law. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religious belief and worship. The State officially promotes atheism but in practice tolerates and even provides some financial subsidies for religious activity. Until late in 1989, overt adherence to religious beliefs could result in disqualification for preferred jobs and educational opportunities, although the largest religious community, the Evangelical (Lutheran) Church, had some success in pleading the cases of its members who suffered such discrimination.

New churches continue to be built, and old ones restored, in limited numbers with government approval. The Greifswald Cathedral was recently reconsecrated after extensive renovations funded by both West and East German Lutheran churches and the GDR.

Clergy are trained in both state universities and church-run seminaries. The Government has demonstrated some flexibility in its treatment of minority religions. Relations with the Catholic Church and the small Jewish community remain stable. The State is encouraging the first kosher cafe to open in East Berlin and recently promised to increase its financial support for the restoration of Berlin's largest synagogue and the establishment of a Jewish cultural center and museum.

While the Government has not rescinded a ban on organized activities by Christian Scientists, it has made no effort to interfere with those activities. Members of the Church of Jesus Christ of Latter-Day Saints continue to practice their faith relatively unimpeded. Under a special program beginning in March, young East German members of the church may go on

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mission to the West for 2 years, while Mormon missionaries from the West may proselytize in the GDR.

Until November, the churches remained under continuing government pressure to watch their words and deeds, and the secret police continued to monitor church-sponsored events closely. Nonetheless, the Evangelical (Lutheran) Church remained the only institutional forum in which divergent opinions could be expressed with relative freedom. With the exception of church-sponsored events held on church grounds, groups were not allowed to organize events without official approval.

The church-state dialogue on issues such as freedom of religion and thought, conditions of military service, conscientious objection, and compulsory military training in the schools, was postponed by the State in the fall of 1987. Due to the reforms which have occurred, this dialogue may now be resumed.

Western clergy were permitted to attend the important Europe-wide ecumenical convocation in the GDR in 1989, and more than 300 East Germans, selected by the East German Evangelical (Lutheran) Church, were permitted to attend the massive church meeting (Kirchentag) in West Berlin.

For many years, young men subject to universal conscription who are religious conscientious objectors have been able to choose alternative service in unarmed construction units. However, those opposed to any military service whatever were incarcerated. In the past 3 years, the Government has followed a policy of ignoring such persons, i.e., neither drafting nor prosecuting them. Conscientious objectors may still face discrimination in schools and jobs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Most East Germans can travel freely within the country, except within special border zones or near military installations. Technically, they are not free to change their place of residence without government approval, but normally this amounts only to a requirement to register with the police. All East Germans must carry identification cards which the police have the right to check at will. Because of their criminal or political records, including the filing of emigration applications, approximately 60,000 East Germans carry a special identification card called PM-12, which in many but not all cases restricts domestic as well as foreign travel. Until November, foreign travel was tightly controlled, and exit visas were required.

A new law on short-term visits and permanent emigration to the West came into effect on January 1, 1989. Under this law, the categories of persons eligible to submit applications for travel and the circumstances under which applications could be made were somewhat broader and more clearly defined, though private travel remained limited to persons visiting relatives in the West. The new law also more clearly defined--though it did not greatly expand--the categories of persons who could apply for family reunification and created a new category of emigration for humanitarian reasons. One provision of the new law permitted emigration by minors so that they could be reunited with their parents.

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The bureaucracy was required to accept applications, reach decisions within fixed time periods, and provide clear legal statements for rejections. After July 1, people had the right to appeal decisions to the courts, which, however, could review cases only for procedural errors. Additional amendments enacted in mid-March, in an attempt to respond to popular criticism that the new law was proving more restrictive than the relatively ad hoc liberal practices of the past several years, broadened the categories of persons who could make private visits to the West. The grounds for refusal, however, included some flexible clauses reserving for the authorities considerable discretionary power.

A crisis began in the summer when would-be emigrants staged sit-ins at the FRG's permanent mission in East Berlin and in the FRG embassies in Budapest, Prague, and Warsaw. Many additional people sought to escape via the Austrian-Hungarian border. By mid-September, more than 20,000 had crossed the border without proper GDR documentation. After the Hungarian Government opened its border to Austria in September, more than 100,000 East Germans succeeded in reaching the FRG without GDR permission. In addition, more than 15,000 East Germans were transported from Prague to the FRG by East German trains after special arrangements were reached to resolve the Prague and Warsaw embassy situations. Subsequently the GDR imposed controls on the travel of East Germans to Czechoslovakia. In November, GDR authorities opened gates in the Berlin Wall and along the inner-German border to enable East Germans to visit West Berlin and the FRG by simply showing their passports. Millions have now done so.

Until late in the year, most emigrants could return to the GDR only with great difficulty. In general, only East Germans in binational marriage cases were permitted to keep their GDR passports and travel freely between East and West. Other emigrants usually had to wait 5 years before they could return for family visits. Persons who received permission for an extended stay in the West but who made no attempt to change their citizenship, such as writers Jurek Becker and Monika Maron, apparently were allowed to return at any time for a visit. Those who left the country illegally before January 1, 1981, were eligible to apply for permission to visit, but reportedly only half of those who had applied had obtained permission. Persons who fled after 1980 faced possible criminal prosecution if they returned to the GDR.

Repatriation was even more tortuous and seldom occurred. The GDR authorities deliberated such cases carefully. When persons were permitted to return, they were treated by the State as regular East Germans, though they often faced suspicion and hostility from fellow East Germans who knew of their circumstances.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Until November, East Germans were not free to change the system of government. The SED leadership made all important decisions, controlled the Government and its operations, determined who would fill executive positions in the government apparatus, and ensured that its party members occupied a majority of them. Although four other parties were represented in the Government, they were not permitted to challenge Communist leadership or control. In the first indications of change in this situation, the unicameral

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legislature, the Volkskammer, in November elected the chairman of the Democratic Peasants Party as its presiding officer and in December elected the chairman of the Liberal Democratic Party to succeed Egon Krenz as chairman of the Council of State (chief of state). Furthermore, the Volkskammer in December voted to amend the Constitution eliminating the SED's "leading role" in the State.

All parties and mass organizations (such as trade unions) were represented in the National Front, which was controlled by the SED. For election purposes, the National Front prepared lists of approved candidates according to a formula which ensured the SED's domination. Candidates exceeded the number of available seats, and a candidate high on the list could be rejected on election day if more than 50 percent of the voters crossed his name off the ballot. In such a case, a candidate lower on the list could be elected. This was, however, extremely rare. For the first time in 20 years during the May elections, two candidates lost. In December 1989, the National Front was dissolved.

Charges of fraud during the May 7 local elections raised questions about how far the East Germans' right to self-determination extends. Although there is no question that the majority of people voted for the official ballot, unofficial poll watchers maintain, and most people believe, that the official count showed many fewer "no" votes and a higher participation rate than was actually the case. The Government dismissed such allegations. Officially, 98.7 percent of those eligible to vote participated, and 99.91 percent of the voters "approved" the ballot.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the GDR is a signatory of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), it had generally taken the position that inquiries into its human rights policies constituted interference in its internal affairs. Requests by private human rights groups in the West for information on human rights conditions went unanswered, and the Government discouraged visits by such groups. Within the GDR, members of unofficial human rights groups, such as the Peace and Human Rights Initiative and the Solidarity church working group, faced surveillance and harassment by the secret police and could have been arrested if their activities were deemed threatening to the Government. Such groups were often the only source of current information available to outside observers on human rights developments in the GDR. Until November, their ability to disseminate information was restricted by official harassment.

The Vienna Concluding Document of the CSCE permits signatory states to question human rights implementation in other member countries. Spain, in its capacity as president of the European Community, invoked the human rights issue against the GDR in the spring of 1989 in a case in which an escaping East German was arrested by GDR river police just after reaching West Berlin. The GDR responded to the note but insisted that the matter lay entirely within its sovereign competence and did not immediately resolve or otherwise provide information about the case. The person in question was ultimately allowed to emigrate to the FRG.

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The government-sponsored Committee for the Protection of Human Rights does not attempt to safeguard the human rights of East Germans. Instead, it criticizes human rights conditions in other countries while claiming there are no problems in the GDR. East German refusal, until recently, to recognize human rights problems has also meant that there were few effective executive, legislative, judicial, or administrative remedies for addressing human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

An extensive social welfare system provides free medical care to the population without discrimination. Men and women are treated equally in most respects, and women's marriage and property rights are generous. Women and men receive equal pay for equal work. Violence against women, including wife beating, is not condoned either legally or in practice. Although it occurs, no statistics or reliable information is available as to its extent. In the event of such abuse, women have the right to seek redress in the courts.

The Democratic Women's Federation of Germany officially represents women's interests within the SED. Its functions, however, are nominal.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to establish and join unions and federations of their own choosing. The Free German Trade Union (FDGB) is an appendage of the SED. It consists of 16 unions covering all workers and professionals and represents some 90 percent of the work force. All large industrial and retail enterprises, which employ some 85 percent of the labor force, are owned by the State. The FDGB's role has been to enforce and promote official government and party policies, which were considered to correspond with the interests of the masses, rather than to promote members' interests, which might conflict with those policies. The FDGB is affiliated with the Communist-controlled World Federation of Trade Unions.

Following the upheaval which began in October 1989, labor entered a period of transition. In the intervening period, independent trade union groups have emerged demanding respect for freedom of association and the right to strike, and scattered wildcat strikes have occurred. However, neither these groups nor the rights they demand have thus far achieved any basis in law. Meanwhile, the FDGB has experienced a dramatic loss of membership and two spontaneous changes of leadership under the pressure of mass demonstrations and accusations of corruption. The former president of the organization remains in detention on corruption charges. The FDGB has scheduled an extraordinary convention for January 1990 in an apparent attempt at reform intended to make the organization more responsive to workers' interests.

Except as noted above, workers do not have the constitutional right to strike. There were no published reports of strikes in 1989.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) reiterated its rejection of the trade union monopoly granted to the FDGB. The Committee found

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that the situation in the GDR was not compatible with ILO Convention 87 on Freedom of Association and called on the Government to provide legislation granting the workers, including members of collective farms, freedom to establish organizations of their own choosing.

b. The Right to Organize and Bargain Collectively

There is no legal provision for collective bargaining, nor does it exist in practice. Although worker representatives are allowed to sit on the enterprises' boards, in reality they rubberstamp the boards' policies. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is not legally prohibited but it is not practiced in the GDR.

d. Minimum Age for Employment of Children

Children from age 14 may work part time during vacations and to further their education. Children can work full time with parental permission between ages 14 and 18. Youths under the age of 18 may not work between 6 p.m. and 6 a.m. Youth commissions within the FDGB effectively enforce the child labor laws.

e. Acceptable Conditions of Work

Under the law, a full-time worker is entitled to a minimum wage of approximately \$216 per month. This provides subsistence-level living for workers and their families.

The maximum workweek is 43 3/4 hours, with a maximum of an additional 120 hours overtime per year permissible by law, except under extraordinary conditions. A 2-day weekend is common. The GDR guarantees persons the right to a job, and there is essentially no unemployment.

Labor law obliges enterprises to protect their employees' health and safety in the workplace. In reality, working conditions are often difficult, especially in mining and heavy industry. The Government has had some success, however, in reducing the relatively high rate of accidents in the workplace.

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The Federal Republic of Germany (FRG) is a constitutional republic and parliamentary democracy. National power is divided among executive, legislative, and judicial branches. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the lower house of Parliament. The powers of the Chancellor and of the Parliament, which are substantial, are set down in the Basic Law (constitution). There is a division of governmental authority between national and state governments. The latter retain significant autonomy, especially in matters relating to law enforcement and the courts, culture and education, the environment, and social assistance.

Organized essentially at the state (land) level and operating under the direction of state governments, well-trained and disciplined police scrupulously respect citizens' rights, as well as those of other persons resident in the FRG to the extent they are protected by law. In dealing with hostile elements, including terrorists, special care is taken to respect the rights of the accused.

The industrialized economy of the FRG provides one of the highest standards of living in the world.

The foundation of the Basic Law, adopted in 1949, rests firmly on the principles of liberty, equality, and the free exercise of individual rights. The "basic rights" enumerated in that document are theoretically subject to interference only on the basis of a law, and in practice these human rights are scrupulously protected.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Politically motivated killing by the Government or by mainstream political organizations is unknown. Terrorist groups on the far left (the Red Army Fraktion--RAF), the far right (neo-Nazi groups), and Middle Eastern terrorists continue to engage in political violence.

b. Disappearance

Governmental or police authorities do not abduct, secretly arrest, or otherwise illegally detain persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Police authorities do not physically or mentally torture prisoners, nor do they engage in cruel, inhuman, or degrading treatment. Use of excessive force against prisoners or detainees is not legally sanctioned or officially encouraged. On the rare occasions when it occurs, it is subject to impartial investigation and legal sanction.

d. Arbitrary Arrest, Detention, or Exile

No person may be arrested in the FRG except on the basis of an arrest warrant issued by a competent judicial authority. Any person detained by the police must be brought before a judge

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and charged no later than the day following the day of apprehension. The court must then issue an arrest warrant with stated reasons or order the person's release.

There is no preventive detention in the normal sense. The law, however, provides that a prisoner may be held in custody (but no longer than 24 hours) while awaiting a formal charge if there is evidence that he might seek to flee the country to avoid prosecution. The right of free access to legal counsel has been restricted only in the cases of some terrorists who have used contacts with lawyers to promote and continue terrorist activity even while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail bond exists in the FRG but is seldom employed. There is no exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Trials are public. The Basic Law assures due process and prohibits double jeopardy. The judiciary is free of both government interference and intimidation by terrorists. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home is ensured by the Basic Law and fully respected in practice. Prior to forcible entry by police into a home, a warrant must be issued by a judge or, in an emergency, by a public prosecutor. Electronic surveillance or monitoring of mail may be undertaken only after authorization by a court order.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The provisions of the Basic Law, an independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. Criticism of the Government is unrestricted. The media and artistic works are not censored. Academic freedom is complete. There is no censorship of foreign or domestic books. Newspapers and magazines are privately owned.

Radio and television networks and stations function, for the most part, as corporations under special public laws. They are governed by independent boards made up of representatives of churches, political parties, and other organizations.

A few experimental private television cable stations and local television cable networks have been set up. Legislation has been enacted in all states except Bremen and Hesse to facilitate and encourage private television stations using cable, satellites, and other "new" media.

b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are fully respected, as is the right to demonstrate. Organizers of street demonstrations are required to obtain police permits beforehand and may be asked to pay a deposit to cover the repair of any damage to public facilities. When demonstrators

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have not obtained the required permits, police have exercised considerable restraint, showing concern primarily for the continued functioning of public facilities and for the safety of the general public.

Membership in nongovernmental organizations of all types, including political parties, is entirely open. Parties found to be "fundamentally antidemocratic" may be outlawed. Under this constitutionally based provision, the Federal Constitutional Court in the 1950's declared both a neo-Nazi and a Communist party to be illegal.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The full practice of religion is allowed. Major religious groups participate in a state-administered church tax system. The Government subsidizes church-affiliated schools and provides religious instruction in schools and universities for Protestants, Catholics, and members of the Jewish community.

The major religious groupings are active in FRG public political debates. Political parties are legally barred from refusing members on the basis of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

German citizens are free to move anywhere within the country and to leave and return at any time. The Basic Law provides that Germans who arrive in the Federal Republic from the German Democratic Republic (GDR), as well as from Eastern Europe and the Soviet Union, are treated as German citizens and therefore may take up residence without restrictions. Continuing a trend begun in 1986, the number of ethnic Germans from Eastern Europe coming to settle in the FRG grew steadily. By June, nearly 152,000 had come, including nearly 100,000 from Poland, 41,000 from the Soviet Union, and 11,000 from Romania. In addition, nearly 56,000 Germans from the GDR had arrived by July 31. With the opening of the Hungarian-Austrian border in September and unimpeded travel to the FRG through Czechoslovakia in November, the number of East German refugees increased dramatically to an official total of 343,854 by year's end.

The right of asylum of those who are politically persecuted is also guaranteed by the Basic Law and respected in practice. By August, the total number of asylum seekers in the FRG was estimated to be 800,000, with Poles, Yugoslavs, and Turks the three largest groups.

Once formally granted asylum status, and to a lesser extent while being processed, asylees have essentially the same access to social welfare benefits as German citizens. Short of the right to vote, they enjoy complete civil rights. While only about 10 percent of the asylum seekers are successful with their requests for political asylum, denial of political asylum does not automatically result in deportation. Eighty percent of those whose petitions are denied are typically allowed to remain in the country for other, humanitarian reasons. Persons from Eastern European countries are normally allowed to remain whether or not official asylum status is granted. Extraditions have been extremely rare.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the parliamentary democracy established by the Basic Law, the FRG is ruled by a government chosen by the people through orderly elections based on universal adult suffrage. The Bundestag (lower house) is elected through a mixture of direct constituency candidates and party lists. Members of the upper house of Parliament, the Bundesrat, are appointed by the state governments. Around 87 percent of voters normally participate in national elections, but local contests attract significantly lower participation.

Candidates for public office are usually members of political parties but are not required to be. New political parties are free to form and enter the political process, but the Basic Law and the state constitutions stipulate that parties must achieve at least 5 percent of the total vote in order to be represented in the Federal and state Parliaments. The FRG has been ruled since its creation by governments headed by one of the two major parties, the Christian Democratic Union (CDU) or the Social Democratic Party (SPD). The current Government is led by a coalition of the CDU joined by its Bavarian sister party, the Christian Social Union (CSU), and the Free Democratic Party (FDP). The SPD and the Greens, a party represented in the Bundestag since the elections of March 1983, comprise the opposition. Although party discipline plays an important role, voting on issues in the Bundestag is ultimately a matter of individual decision.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no allegations of violations of human rights in 1989. A number of human rights organizations, both international and local, freely conduct their activities in the Federal Republic. The Government considers the international promotion of human rights one of its highest priorities.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no legal and relatively little de facto discrimination in the availability of shelter, health care, and education to all inhabitants, regardless of race, religion, sex, ethnic background, political opinion, or citizenship.

Due to increased unemployment, the Government has pursued a three-pronged policy with regard to foreign workers: integration of longtime residents, limitation of further entries, and repatriation aid for those willing to return to their home countries. At the end of June, foreign workers totalled 1.592 million, or 5.8 percent of the work force, and 36 percent were organized in trade unions. A national debate has been under way over whether the rights of guest workers should be broadened to permit unlimited residence and the right to vote or reduced by limiting the right of entry for dependent children.

Since the passage of an equal employment rights law in 1982, women are guaranteed equal employment at the workplace. They are increasingly rising to management and leadership positions

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in the private and public sectors. Protective legislation bars women from working in certain heavy industrial occupations and also generally bans night work. Young women experience difficulties in gaining access to training in some traditionally male fields. Recent court rulings and government pilot programs, however, have helped break down some of these attitudinal and institutional barriers. Women enjoy full and equal protection under the law, including property and inheritance rights. Consistent with the special status which mothers enjoy pursuant to the terms of the Basic Law, the Government provides financial benefits for mothers, including maternity leave and child allowances. There are several active women's rights groups.

Violence against women is acknowledged, and the women's movement has urged public discussion of the problem and tougher penalties for crimes against women. Reliable figures concerning domestic violence, including wife beating, are not available. Women's groups have taken the lead in calling for tougher punishment for domestic violence and other crimes against women. They have also sponsored the creation of a number of refuges for women who are victims of such violence. These refuges receive support at the state and local level varying from 100 percent of expenses in Berlin and Hamburg to more limited support in other states. According to the Interior Ministry, the official number of rape cases reported in 1988 fell to 5,251, the lowest level since 1958. In a parliamentary speech in May, the CDU Minister for Youth, Family, Women, and Health referred to a recent study by the Allensbach Public Opinion Research Institute which said rape occurs at least once in every fifth marriage. Claims by some women's organizations that many rapes are not reported and that rape in marriage is serious enough to require making it a punishable offense have so far not persuaded legislators to make marital rape a punishable offense.

Section 6 Worker Rights

a. The Right of Association

The right to associate freely, choose representatives, determine programs and policies to represent members' interests, and to publicize views is recognized and exercised freely. The right to strike is guaranteed by law, except for civil servants and personnel in sensitive positions, such as members of the armed forces. Strikes occurred in 1989, notably in the printing industry and in the retail trade, in which work time reduction was one of several issues.

The country has a long-established and highly organized labor movement, with about 41 percent of the eligible work force unionized. The German Trade Union Federation represents over 83 percent of organized workers. Reborn in the wake of World War II, the unions are particularly conscious of their historic role as the protector of worker rights and a bulwark of the democratic system. In order to avoid the political divisions which plagued the post-World War I labor movement, the unions adopted the principle of a "unified union," independent of any political party but in which the two major parties are represented. They actively participate in the International Labor Organization and in international and European trade union organizations.

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b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is guaranteed by law and is widely practiced. Each year approximately 7,000 contracts are renegotiated, affecting some 20 million workers, or 90 percent of the dependent work force.

No government mechanism to promote voluntary worker-employer negotiations is required because of a well-developed system of autonomous contract negotiations. There is a two-tiered bargaining system, whereby basic wages and conditions are established at the industry level and then adapted to the circumstances prevailing in particular enterprises through local negotiations. A distinguishing characteristic of FRG industrial relations is the legally mandated system of works councils which provide a permanent forum for continuing selective worker participation in the management of the enterprise. Workers are fully protected against antiunion discrimination, and there is a well-developed labor court system to process complaints. There are no export processing or free trade zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is barred by the Constitution and is nonexistent in practice.

d. Minimum Age for Employment of Children

Federal law generally prohibits the employment of children under age 15 with a few exceptions: children aged 13 and 14 may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; children aged 13 through 14 may take part in cultural performances under stringent conditions with regard to number of hours, time of day, and form of activity.

e. Acceptable Conditions of Work

While there is no legal minimum wage, minimum wages are set by contract within each industry sector. At the lower end of the minimum wage scale is the \$5.40 per hour wage (at current exchange rates) for agricultural workers. Such minimum wage levels provide an adequate standard of living for workers and their families. The number of hours of work per week is regulated by contracts which directly or indirectly affect 80 percent of the working population. Negotiation of a 35-hour workweek is a major goal of FRG unions. The average workweek is nearly 39 hours. Federal legislation sets occupational safety and health standards. For each occupation, there is a comprehensive system of worker insurance carriers who enforce requirements for safety in the workplace.

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Greece is a constitutional republic and parliamentary democracy. The party or coalition with the majority of seats in Parliament names the Prime Minister, who forms the Government. Parliamentary elections in June and November 1989 were freely and vigorously contested by a full spectrum of political parties and resulted in an orderly, democratic change of government. The President, the largely ceremonial Head of State, is elected by Parliament.

Activities of the police and security services are monitored by the Government and the independent judiciary. The generally alert press reports rare abuses, including the improper expulsion of political refugees and isolated instances of rough treatment of ordinary criminals.

A developed country and a member of the European Community (EC), Greece benefits from EC subsidies designed to bring its per capita gross national product into line with that of other EC members. Economic development is hampered by a public sector bloated by generations of politically motivated hirings and by consequent massive budget deficits.

The Constitution provides a full range of fundamental human rights. Some members of religious and ethnic/cultural minorities, however, continue to complain about the behavior of some government officials who, they allege, restrict their rights and discriminate against them. About 420 Jehovah's Witnesses are in prison due to the absence of nonmilitary alternative service to conscription. Treatment of the respective Muslim and Greek minorities in Greece and Turkey continues to be a subject of dispute between the two countries.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

Neither government forces nor legal opposition organizations engage in politically motivated killings. In 1989 domestic terrorist groups assassinated a prominent deputy of the conservative New Democracy party and two judicial officials.

b. Disappearance

There were no reports of official abductions, secret arrests, or clandestine detentions during 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides for freedom from torture. A November 1984 law makes the use of torture an offense punishable by sentences ranging from 3 years to life imprisonment. Greek human rights groups contend that police overreliance on confessions occasionally leads to physical or reported psychological intimidation of ordinary criminals. Amnesty International reported several allegations of torture or ill-treatment of prisoners in 1989.

Poor treatment of the severely mentally handicapped in a psychiatric institution on a remote island sparked a storm of protest from psychiatrists and journalists in 1989. Current

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Greek law on commitment to psychiatric institutions is criticized for not insisting on adequate judicial review, but there were no allegations of abusive commitments in 1989.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that a judicial warrant is required for any arrest except during the actual commission of a crime. Occasionally, suspects are briefly and informally detained pending confirmation of their identity, but there is no evidence of any serious infringement of civil liberties. A person arrested on the basis of a warrant or while committing a crime must be brought before an examining magistrate within 24 hours and charged. The magistrate must issue a warrant of imprisonment or order the release of the detainee within 3 days of the examination unless special circumstances require a 2-day extension of this time limit.

A Dutch national was imprisoned by administrative order for 8 months during 1988 and 1989 over a disputed customs obligation. New legislation passed in October deprived tax authorities of the power to order imprisonment without judicial review for unpaid debts to the State.

The effective maximum duration of detention pending trial is 18 months for felonies and 9 months for misdemeanors. Most trials occur within 12 months of the charges being submitted. Release pending trial, with or without bail, is granted in limited cases by decision of a judicial council.

Exile is unconstitutional and does not occur, except in the form of loss of citizenship for dual nationals (see Section 5). With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for fair and public trials. Greece has a regular system of civil and criminal courts. The independence of the judiciary, though provided for by the Constitution, is occasionally subject to political intervention. Judges are sometimes accused of allowing political criteria to influence their judgments. A new law on judicial codes passed in October was designed to strengthen the independence of the judiciary by eliminating the role of politically appointed judicial officials in assigning judges to specific trials.

Defendants enjoy a presumption of innocence. Defense lawyers are available to all accused persons, at public expense if necessary. A defendant or his attorney may confront witnesses. Court sessions are public, unless the court decides that privacy is required for the protection of victims or in matters of national security. The latter provision is not abused. A defendant may appeal a court verdict to an appeals court. Pending the passage of long-delayed enabling legislation, the decisions of military courts are not subject to review by the Supreme Court, and the courts themselves are criticized for inadequately safeguarding the rights of those accused. Military courts have no jurisdiction over civilians. Greece has no political prisoners.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home and of the individual's personal and family life. No house search may be made except in the presence of a judicial representative and with a judicial warrant issued in conformity with strict legal standards. Alleged abuses of this provision have provoked swift official investigation. There is no compulsory membership in political groups. The Constitution guarantees privacy of correspondence and of communications. An investigation by Parliament in August concluded that the previous Greek government (1981-1989) had engaged in systematic wiretapping of opposition political parties, politicians, and newspaper publishers. Former Prime Minister Andreas Papandreou and two senior officials were remanded to a special judicial tribunal for trial on these charges.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and the press is provided for in the Constitution and respected in practice. Censorship is prohibited. Opposition viewpoints are constantly presented in the active Greek press and criticism of the Government is unhampered.

Greek law prohibited privately owned television stations until new legislation was passed in September. Two private stations are scheduled to begin transmitting broadcasts in November, though municipal television stations had operated on a quasi-illegal experimental basis irregularly during the year. Although the activities of opposition political leaders are covered by state-controlled radio and television, opposition parties assert that news and information programming tends to reflect the political perspective of the governing party. During elections, air time is allocated to all political parties. Legislation passed in 1988 legalized municipal and privately operated radio stations, which air a wide range of viewpoints. Since 1988, the Government rebroadcasts foreign satellite television programs in major cities.

The Constitution allows for seizure, by order of the public prosecutor, of publications which insult the President, offend religious beliefs, contain obscene articles, advocate the violent overthrow of the political system, or disclose military and defense information. No periodicals or newspapers are known to have been seized in 1989. Academic freedoms are protected by democratically chosen faculty organizations, though such groups tend to be highly politicized.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but the police may impose limits on outdoor public meetings if they determine that a serious disturbance of social and economic life is threatened. This exception was not abused in 1989.

The right of association is guaranteed by the Constitution and observed in practice. All citizens are free to establish and join organizations of their own choosing, including trade

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unions, political groups, and private organizations, without previous authorization or government interference.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion and prohibits discriminatory practices against religious minorities, which include communities of Muslims, Jews, and non-Orthodox Christians. The Constitution nevertheless establishes the Greek Orthodox Church, to which 98 percent of the population at least nominally adheres, as the "prevailing" religion. In addition, the Constitution prohibits proselytism by any religious group. The number of foreign missionaries arrested has decreased since the courts ruled that distribution of literature alone does not constitute proselytism. In the first 9 months of 1989, about 110 Jehovah's Witnesses were arrested for proselytism, and 5 were sentenced to fines (about \$3,000 each) and brief imprisonment. The Jehovah's Witnesses allege that on at least two occasions in the past 12 months Orthodox priests incited crowds to beat up women distributing religious tracts. They also claim that, in defiance of Greek law, many public schoolteachers refuse to excuse children of Jehovah's Witnesses and other faiths from mandatory religion classes, in which their beliefs are attacked in state-approved textbooks as heretical.

The Constitution declares that "no person shall be exempt from discharging his obligations to the State or may refuse to comply with laws by reason of his religious convictions." Although Greece provides for alternative noncombatant military service, it has no provision for nonmilitary alternative national service to its universal conscription of men. Jehovah's Witnesses and a small number of other conscientious objectors of military age who refuse alternative noncombatant military service are tried and sentenced by military courts to military prison for a term twice that of normal service. In September there were about 420 Jehovah's Witnesses serving sentences of between 3 and 5 years. A portion of this sentence may be served in a minimum security (civilian) agricultural prison, where each day served is credited as 2 days toward fulfillment of the sentence. In 1989 the average time actually served was reportedly about 38 months.

Two conscientious objectors unconnected with the Jehovah's Witnesses were released in 1989 after having served two-thirds of their sentences. Parliament in 1989 did not debate long-pending legislation to create nonmilitary alternative service.

In late 1987, a lower court in Crete held that Jehovah's Witnesses do not constitute a "known" religion and are thus not entitled to legal protection on the grounds that their doctrine of refusal to serve in the military violates Greek law. The Supreme Court's consideration of the appeal of this decision was postponed until late in 1989. Jehovah's Witnesses complain that the Government does not recognize that Jehovah's Witnesses' clerics are entitled to the same exemption from military service as that accorded to Orthodox and other recognized clerics. In addition, Jehovah's Witnesses in military prison are reportedly denied access to religious services.

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Some non-Orthodox churches experience difficulties in building or acquiring new meetingplaces when necessary permits from the Ministry of Education and Religious Affairs, which must consider the opinion of the Orthodox Church hierarchy, are denied. Jehovah's Witnesses complain that their requests for use of public facilities are routinely denied.

Greece has a Muslim minority of approximately 126,000, made up of ethnic Turks, Pomaks, and Gypsies, located principally in Thrace in northeastern Greece. Their freedom of religion was guaranteed under the 1923 Treaty of Lausanne, and some 250 working mosques exist. Members of the Muslim community insist that, in accordance with a never-implemented law of 1920, the community itself should elect the Muftis (religious leaders) of the two major towns (Xanthi and Komotini). An interim Mufti appointed by the Government has not been accepted by many in the community, and the issue remains at an impasse.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution ensures freedom of movement within the country, foreign travel, and emigration, and these rights are generally respected. Persons intending to emigrate and emigrants who return to Greece experience no discrimination. However, the Greek citizenship code makes a legal distinction between Greek citizens of ethnic Greek descent and those of nonethnic Greek descent. Citizens of nonethnic Greek descent may be deprived of their citizenship by a simple administrative decree if they move abroad with the apparent intent not to return. Every year a small number of Greek Muslims who have moved to Turkey find that they have been stripped of their Greek citizenship. There is no prior hearing or judicial review and no effective right of appeal. The Muslim community protests this practice as discriminatory.

Greek Civil War refugees of Slavic ethnicity (stripped of their Greek citizenship for participation in the Communist-led insurrection of 1946-49) were expressly excluded from the general amnesty and return of exiles completed in 1982. In 1989 the head of the Greek Communist Party (KKE) denounced the Government's refusal to allow their return as "racist."

Greece is a first-asylum country under the 1951 Geneva Convention on Refugees but makes no provision for permanent settlement of refugees in Greece. In October 1989, the Minister of Labor promulgated a decree allowing bona fide refugees to work, an important step forward in improving the inadequate institutional framework for refugees. Refugee organizations note that Greece has no objective criteria for distinguishing asylum seekers from economic migrants. Greek border officials returned an escaped political prisoner involuntarily to Turkish authorities in August. The Government characterized this and other reported expulsions as contrary to its policy but refused to release the report of its investigation of the incident.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Greece is a multiparty democracy in which all citizens enjoy full political rights, without regard to race, sex, religion, or political persuasion. Greek citizens freely choose the officials and laws governing them. The President is elected by Parliament to a 5-year term. Members of the unicameral

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Parliament are elected to maximum 4-year terms by compulsory universal suffrage (over age 18) and secret ballot.

Opposition parties function freely, have broad access to the media, hold public meetings, and serve as a check on actions by the Government. In June the 8-year government of the Panhellenic Socialist Movement was voted out of office and replaced by an interim coalition of the conservative New Democracy Party and an alliance of Communist and leftist parties. New parliamentary elections November 5 under the same proportional electoral system again did not produce a majority government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not objected to visits and investigations by human rights organizations, although visits by U.S. and other foreign diplomats to the border regions, where the bulk of the Muslim minority population resides, are subject to prior notification to and occasional refusal by the Government, as well as surveillance by the security services. Domestic human rights organizations are allowed to operate freely and actively assist those who believe their rights have been violated. The Government also participates in multilateral human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The subject of minority rights is a sensitive one in the Balkans, where real or alleged human rights abuses have been used in the past to justify irredentist claims. Greece has a significant Muslim minority, primarily in western Thrace, and there are smaller communities in the Dodecanese Islands and in Athens and other industrial areas. Pomaks (Bulgarian-speaking Muslims) occupy the mountainous border with Bulgaria, and Gypsies are scattered throughout Greece. There are remnant populations speaking Albanian, Vlach (related to Romanian), and Slavic dialects.

The Treaty of Lausanne includes provisions protecting the political and cultural rights of the Muslim (Turkish, Pomak, and Gypsy) minority in western Thrace, as it did the rights of the Greek minority in Istanbul. By and large these rights are respected. Muslim villages in Thrace regularly elect Muslim mayors, and an independent Muslim deputy was elected to the Parliament in June 1989 by an overwhelming majority of the local Muslim population in his district. In the November parliamentary elections the independent Muslim Deputy, Ahmet Sadik, and one of his two running mates were disqualified on the basis of a missing affidavit in their applications. This exclusion and a sudden strike by customs officials which closed the border with Turkey just before these elections (and the June elections as well) have fueled allegations by critics that local authorities may have played a role in attempting to block the Muslim party. The remaining independent Muslim candidate was nevertheless elected.

Greek authorities insist on the religious, not ethnic, character of the minority (as specified in the Lausanne Treaty). The Greek Supreme Court upheld a ruling that local minority associations cannot call themselves "Turkish," a decision the associations have appealed to the European

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Parliament. The independent Muslim candidates campaigned on a platform of insisting not only on equal treatment, but also on the Turkish ethnic/cultural (rather than Muslim religious) identity of the minority. Most Greeks assert that the Government of Turkey actively intervened to support the independent Muslim candidates, giving as evidence the extensive coverage the Muslim campaign received in the Turkish media.

Members of the Muslim community complain that Greek officials encourage an overly traditional, religious education in Turkish-language schools and obstruct entry of teachers and educational materials from Turkey. Greek officials contend that the Government of Turkey has not acted to revise materials found unacceptable under the terms of a 1968 agreement on reciprocal imports of textbooks. Access to Turkish-language secondary schools is restricted by government insistence that entrance exams be given in Greek. In the current impasse, Turkish-language schools in Greece are considered inadequate to prepare students for a modern economy, while Muslim Greeks who study in Turkey complain that their professional credentials are not accepted by Greek professional bodies.

Muslim leaders complain about barriers to land purchases and discrimination in approval of building permits, business licenses, and many other permits. The Government insists that ethnic Greeks and Muslims receive equal treatment, though it acknowledges that widespread illiteracy in Greek among members of the minority hinders their access to the State's machinery. Muslim leaders complained in early 1989 that a major expropriation of chiefly Muslim-owned land for an agricultural prison had been decided upon without advance warning or consultation with the local population.

Efforts by other smaller ethnic/cultural groups to maintain distinct cultural identities are reportedly met with suspicion by security authorities. One dual U.S.-Greek national of Vlach ethnicity, who maintained property in Greece and published a Vlach-language publication in the United States, was stripped of his Greek citizenship without his knowledge in 1986 and in 1989 was expelled from Greece for "anti-Greek activities."

Some conservative elements of the Greek public adopt a critical view of the open exercise of unfamiliar religions. According to Jehovah's Witnesses' reports, supported by press accounts and official documentation, at least 40 families of Jehovah's Witnesses in Thessaloniki were systematically denied municipal documents needed for the exercise of their civil rights in 1989. Under pressure from the European Parliament, however, the municipality of Thessaloniki ceased this practice as of November 10. According to the Watchtower Society, all pending cases have been satisfactorily resolved.

Both the Constitution and the revised family law provide women the same individual, political, and social rights as men. Women's rights advocates agree that the legal protections for women are sweeping and progressive, though attitudes and social practice lag behind. The law mandates equal pay for men and women in equivalent jobs. Over the past decade the Government has made substantial progress in reforming marriage, divorce, and property laws, and has expanded services to women in unemployment, family planning, and child care.

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Women's rights figures say that Greece is comparable to other Western European countries in the incidence of violence against women, with no special pattern of abuse and a low rate of alcohol-related crimes. Rape, incest, and wife beating exists, but the nearly complete absence of reliable statistics makes exact comparisons impossible. The social infrastructure for battered women is almost nonexistent, despite past funding by the European Community, and police and local authorities have no training and little enthusiasm for intervening in domestic conflicts.

Section 6 Worker Rights

a. The Right of Association

All workers except the military and police are entitled to form or join unions of their own choosing. The right of association is provided for in the Constitution and in specific legislation passed in 1978 and amended in 1982. In 1988 an estimated 35 percent of wage and salary earners were organized in unions.

Unions receive most of their funding from a Ministry of Labor organization, the "Worker's Hearth," though a few unions have their own additional sources of funding. The Committee of Experts of the International Labor Organization (ILO) for some years has expressed concern that procedures for collecting union dues are not compatible with the provisions of ILO Convention 87 on Freedom of Association, which Greece ratified in 1962. Unions are highly politicized, with competing unions linked to political parties, but they are not controlled by the parties or the Government in their day-to-day operations. There are no constraints on service as a union official. Over 4,000 unions are grouped into regional and sectoral federations and 2 umbrella confederations for civil servants and for private sector workers. There are no restrictions on international contacts. Greek unions and federations are affiliated with the European Trade Union Confederation and the International Confederation of Free Trade Unions.

Some 250 to 300 strikes took place during the past year. The right to strike is restricted only by the Government's power of civil mobilization of workers when there is a danger to national security, life, or property, or to the social and economic life of the country. Although there were no reported abuses in 1989, the extent of the Government's powers is considered to exceed the standards of ILO Convention 87 by the Committee of Experts which has urged the Government to bring its legislation into conformity with the principles of the Convention. Employees in public services must notify employers of their intention to strike 4 days prior to the strike and must continue to provide certain basic services. Union leaders, particularly those of the stronger private sector unions, complain that a high percentage of labor agreements are reached through compulsory arbitration. Legislative remedies were discussed but not enacted in 1989. Security personnel (military, police, fire, port police) are prohibited from forming unions and from striking. Police personnel staged protests during 1989 against government efforts to prevent union organizing activities.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is ensured by legislation passed in 1955. Antiunion discrimination is

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prohibited. Complaints of discrimination against union members or organizers may be referred to the labor inspectorate or to the courts. Litigation is lengthy and expensive, however, and penalties for employers are seldom severe.

There are no restrictions on collective bargaining for private workers, though social security benefits, legislated by Parliament, are excluded from the process. Civil servants negotiate their demands with the Ministry of Interior but have no formal system of collective bargaining. Greece has no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is strictly prohibited by the Constitution and is not practiced.

d. Minimum Age for Employment of Children

The minimum age for work in industry is 15. Additionally, legislation and regulations provide alternate minimum ages for work in specified areas or for specific jobs. For example, those performing loading or unloading work must be at least 18, while workers at the ports of Piraeus and Thessaloniki must be 21. In family businesses, theaters, and the cinema, the minimum age is 12 years. Enforced by occasional labor inspectorate spot checks, these age limits are generally respected. However families engaged in agriculture, food service, or merchandising often have younger family members assisting at least part time.

e. Acceptable Conditions of Work

The minimum daily wage in Greece as of September 1989 was \$16, sufficient for a decent standard of living. Minimum wages and salaries, established by the National Collective Bargaining Agreement and by branch collective bargaining agreements, are generally respected by employers. The workweek is 40 hours in the private sector and 37.5 hours in the public sector, and business hours are strictly regulated by the Government. The law mandates an annual paid holiday of 1 month per year and sets maximum limits on overtime.

Minimum standards of occupational health and safety are provided for by legislation. Although the Greek Confederation of Labor characterizes health and safety legislation as satisfactory, it charges that enforcement of the legislation is inadequate, citing the high number of job-related accidents. Enforcement reportedly suffers because of inadequate inspection, failure to enforce compliance with regulations, and outdated industrial plants and equipment. Complaints about unsafe working conditions are usually made anonymously.

HUNGARY

Hungary is undergoing an historic transition in which reform-minded Communists, now calling themselves Socialists, endorsed in 1989 the country's transition toward free, multiparty elections scheduled for March 25, 1990. The reform Communists abandoned the party's claims to a leading role in the State and established the Hungarian Socialist Party (HSP) to replace the Hungarian Socialist Workers (Communist) Party (HSWP) which dissolved itself. The Parliament adopted sweeping amendments to the 1949 Constitution, and the country's name was changed from the Hungarian People's Republic to the Republic of Hungary. Communists in 1989 had to retreat on fundamental issues, such as the legitimacy of opposition political parties; its paramilitary Workers Militia was disbanded.

The strong state security apparatus has been nominally detached from Communist party control. Its activities, less obtrusive in 1989, were opened to very limited public scrutiny for the first time. The Soviet Union in 1989 announced cuts in its military forces stationed in Hungary of some 20 percent, reducing them to about 55,000, and the Hungarian Army announced manpower reductions of 35 percent, to about 85,000. Eventual neutrality was accepted as a policy goal by reform-minded Communist party leaders.

The economy has structural problems headed by inefficient state industries, a \$20 billion gross debt, which is Eastern Europe's largest per capita, and deficits in a government budget which consumes 63 percent of gross domestic product. The Government, which is committed to social tolerance as well as market reforms, must cope with widespread unhappiness over a high inflation rate (officially 16-17 percent). The Government was concerned that growth in unemployment and widening income differentials might trigger social unrest.

There was impressive practical and legislative progress in Hungary's human rights record throughout 1989. Hundreds of public demonstrations and opposition political meetings took place without police interference under the law on assembly adopted in January. The country took an important step in coming to grips with its Communist past as over 100,000 people took part in the June 16 public funeral services for Imre Nagy, Prime Minister during the 1956 Hungarian Revolution, and colleagues who were executed in 1958. Hungary stood out among Warsaw Pact members by acceding to the International Covenants on Human Rights as well as the 1951 U.N. Convention on the Status of Refugees and the 1967 Additional Protocol. The Government in 1989 dismantled the "iron curtain" border with Austria and courageously opened the border for over 50,000 East Germans to travel to the Federal Republic of Germany (FRG) despite the provisions of an Hungarian-East German agreement and vociferous protests from East German authorities.

Under the new law on associations, the roster of new political parties swelled to about 50. Radio Free Europe opened its first East European office in Budapest in September. The Parliament in September passed a law significantly broadening freedom of speech. With the virtual withering away of the official press, the proliferating independent journals have become watchdogs against official abuses. In multiparty parliamentary by-elections, the first in over 40 years, the opposition Hungarian Democratic Forum won four clear victories over the HSWP. The State Office for Religious Affairs, a Stalinist vestige, was abolished, and negotiations were opened to restore full diplomatic relations with the Vatican.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There is no evidence that such killings occurred.

b. Disappearance

There were no reported disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

No known instances of torture have occurred in Hungary in recent years. Citizens, in principle, may bring complaints against the police.

There are three levels of punitive incarceration: "workhouse," which allows some privileges such as visiting, outside work, and leave; "jail," which is more punitive; and "prison," which means a maximum-security penitentiary. With varying degrees of frequency, depending on levels of imprisonment, prisoners have rights to visitation by family members, other relatives, and friends. There does not appear to be systematic mistreatment of prisoners, and no such cases were reported in 1989.

d. Arbitrary Arrest, Detention, or Exile

Hungary's legal system underwent considerable change in 1989 with the adoption of amendments to the penal code in September, which restricted the definition of "anti-State crimes" to offenses which threaten the political system in respect to the principles of the Constitution, or the independence or territorial integrity of the State. Attacks on leading officials are no longer accepted within the meaning of "anti-State crimes," and criminal proceedings may no longer be pursued against those who publicly urge a change in the political system.

Citizens are no longer subject to arbitrary arrest. The amended Constitution provides that any past victims of unlawful arrest or detention shall be entitled to compensation. Upon arrest, a detainee must be informed in writing of the offense he or she is suspected of having committed and may be held at a police station for a maximum of 72 hours before charges must be filed. There is no right of bail or provisional pretrial liberty. A Supreme Court ruling is needed to extend incarceration for over 1 year while criminal proceedings are in progress. No cases of police violation of arrest procedures came to light in 1989.

The new law on criminal procedure adopted by Parliament in September limits the issuance, extension, and withdrawal of orders for detention without authorization by magistrates, allows for the presence of defense attorneys during police questioning, and limits detention without charges to 1 month. The law limits the jurisdiction of military courts to members of the armed forces and border guards. Policemen must be tried in civil courts.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The Constitution provides for a Constitutional Court consisting of 15 members elected by Parliament. One-third of the 15 were elected by the current Parliament, and the remainder will be elected by the new Parliament. The Supreme Court exercises guidance over the Budapest, county, and local courts. No judge, member of the Supreme Court or Constitutional Court can be a member of a political party or engage in political activity.

The Constitution establishes the presumption of innocence until criminal responsibility is established. Trials are open. Defendants have a right to counsel at all phases of proceedings. Decisions of the courts, public administration, or other authorities that infringe on individual rights can be appealed. In general, judicial procedures are investigative rather than adversarial in nature. There is no trial by jury.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The amended Constitution provides for personal freedom, the protection of privacy, and the inviolability of domicile, but these provisions continued to be violated when the State believed that it was in its interest to do so. Search warrants are generally obtained. House searches are conducted by court order and must be carried out in the presence of two witnesses. A written inventory of items removed from the premises must be prepared.

Since the 1960's, Hungarian authorities have become more tolerant with respect to a person's private activities. Formal systems for gathering personal information, such as the widespread use of informers and block wardens and overt intrusions of the police into daily life, have been substantially curtailed. It is widely assumed, however, that the authorities tap private telephone lines and open correspondence when they wish to do so.

Parents are not discouraged from enrolling their children in religious instruction classes. Officially encouraged membership in political organizations ceased to be a feature of Hungarian life in 1989. Hungarian citizens' ability to receive foreign publications is effectively limited only by the need for hard-currency funds to pay for subscriptions, although new banking regulations make it possible for Hungarian citizens to maintain bank accounts denominated in Western currencies.

Hungary does not jam foreign radio broadcasts. Since the spring of 1989, accredited Radio Free Europe correspondents have regularly covered Hungarian events from within the country, and in September Radio Free Europe opened its first East European office in Budapest.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The latitude for freedom of expression expanded further in 1989. In October Parliament passed a law broadening freedom of speech. The Government and HSP have virtually no control over the press and diminishing influence over radio and television. The state media became increasingly free in 1989

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to raise hitherto unreported issues, air opposition views, and criticize the Government. An independent press began to function. In December the Prime Minister announced he wanted to include a law ensuring freedom of the press in the current Parliament's agenda. In the meantime, supervisory boards for radio and television were established to select directors. The boards include representatives from major sectors of society, including opposition parties, and control of the national radio and television became major public issues.

The television programs A Het (The Week) and Panorama offer searching and relatively balanced examinations of current events which are close to West European network quality. Opposition spokesmen have frequently appeared in radio and television news broadcasts, although some opposition parties charge that they do not receive sufficient air time. The June 16 funeral services for former Prime Minister Imre Nagy were broadcast live and in full on Hungarian radio and television. Wide-ranging interviews were held on official television with the Czechoslovak Communist Party leader in 1968-69, Alexander Dubcek, and Romania's ex-King Michael, which complicated Hungary's relations with neighboring Czechoslovakia and Romania. Despite financial and practical obstacles, a virtually independent radio station, Radio Calypso, and a television station, NAP-television, were launched.

Scores of independent and semi-independent newspapers and periodicals were launched in Budapest and in several county seats, while some county councils continue to retain influence over provincial newspapers. Independent publications established with the support of major Budapest banks and state-owned companies include Mai Nap, Hungary's most successful and nominally independent daily paper, financed by, among others, the Hungarian Credit Bank, the Hungarian post office, and a major paper firm. British publishing magnate Robert Maxwell subsequently acquired 50 percent of the stock. Meanwhile, Australian publisher Rupert Murdoch purchased a stake in Reform, a weekly illustrated journal featuring news, political scandals, and sex.

By early 1989 censorship of the press and, to an increasing degree, radio and television was abandoned. Investigative journalism includes probing questions on officials' performance. From different ends of the political spectrum, conservative Communist officials as well as several opposition parties have expressed unhappiness with the editorial management of Hungarian television.

b. Freedom of Peaceful Assembly and Association

In January Parliament passed new laws on assembly and associations. The former provides that organizers of public gatherings must give at least 72 hours' notice and that assembly shall be unrestricted, with the condition that it "shall not result in any crime or call for committing crimes, and shall not harm the rights and freedom of others." Police may also move or alter the times of public meetings which would jeopardize the operations of legislative bodies or courts or seriously disrupt normal traffic flow. No actual permits are required.

Hundreds of demonstrations and opposition political meetings took place in 1989 without any recorded police interference. The first of the opposition demonstrations around Budapest was the March 15 national holiday commemorating the 1848

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Revolution (which included a symbolic takeover of the Hungarian Radio-Television building), and the June 16 funeral ceremonies for Imre Nagy. Police also allowed a June 15 demonstration outside the Soviet Embassy chancery by 100 young people from the Young Democrats' radical faction and other groups calling for Soviet troop withdrawal from Hungary, as well as several processions by radical oppositionists during the summer along Budapest's Ferenc Munnich Street. The radicals objected to the street's name, derived from a conservative Communist prime minister, and sought to restore the former name with printed signs and paint. Although the sites of changed street signs included the back of the Interior Ministry building itself, police limited their response to charging two persons for defacing public property in removing the old street signs. For these gatherings, as well as the June 5 demonstration by young people outside the Chinese Embassy, organizers failed to provide the 72 hours' notice required by law, and police waived the requirement.

The new law on association provides that 10 or more people may establish associations (identified as "political parties, trade unions, mass movements, federated organizations, associations, or other organizations"). The law requires that exercise of the right of association "shall not commit or abet in committing a criminal offense and shall not disturb the rights and freedoms of others." Court registration is required on the basis of 10 or more founding members, the adoption of a constitution, and election of executive officers.

Although Parliament's adoption of the new law on parties came only in October, the list of declared political parties swelled throughout the year to about 50. Polls indicate that 6 of these have significant national support. Most of the 50 are opposition parties although some, such as the Ferenc Munnich Society and Workers' Marxist-Leninist Party, represent conservative Communist factions. The new parties may establish bank accounts, receive assistance from domestic and foreign nongovernmental sources, set up headquarters, field candidates in parliamentary by-elections, and conduct political campaigns. There have been no apparent efforts to restrict these parties' affiliations with international bodies or limit their contacts with foreign political parties. For example, the U.S. National Democratic Institute sponsored a seminar on political campaign strategies in September with attendance from a range of Hungarian opposition parties; political activists from the United States, Chile, the United Kingdom, Poland, and Yugoslavia took part.

While there were no reports of denials of registrations of private organizations during 1989, legal and bureaucratic obstacles continue to hinder the establishment of nonprofit foundations by private sector economic groups, trade unions, and political parties. Norms of accepted political activity remain uneven throughout Hungary, and it is still possible that activities which would pass without notice in Budapest could generate official sanctions in the countryside or in traditional Communist strongholds, like Miskolc.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Freedom of conscience and freedom of religious practice are affirmed in the Constitution, and Hungary's control over organized religious activities has virtually been lifted. Under opposition pressure, the Government abolished its State Office of Religious Affairs, a Stalinist vestige established in 1950 to regulate and control the activities of accepted religious denominations. In its place, the Government established the National Council of Churches, a consultative body chaired by the Prime Minister with the participation of denominational leaders.

The authorities are consulting with religious leaders on a new law governing church-state relations, scheduled for implementation in 1990. Although Communist party members and teachers were traditionally barred from religious activity, the HSWP Central Committee said in June that religious convictions were not incompatible with party membership. Despite the tolerant atmosphere, vigorous expression of religious beliefs can still inhibit a person's professional advancement in some fields.

All denominations willing to make minimal concessions to governmental authority are recognized in Hungary. They include the Roman Catholic Church, Hungarian Reformed and Lutheran Churches, the Jewish community, and, more recently, the Nazarenes, Islamic, and Mormon communities, and a small Hare Krishna sect. Recognition excludes the Jehovah's Witnesses, who on principle reject governmental authority.

Religious denominations generally have good access to religious materials, including Bibles and prayer books. The disposition of church possessions and properties seized in the late 1940's is under discussion, and some schools and other properties reverted to church control in 1989.

Church activities in education and social work are encouraged by the Government. An outstanding issue in church-state relations remains the thousands of so-called "basic communities"--small, countercultural, pacifist Catholic communities inspired by Piarist Priest Gyorgy Bulanyi. The "basic communities" have long operated in defiance of both the Government and the Catholic Church. In 1989 over 20 religious orders banned since 1950 were allowed to function again.

An important irritant in relations between the Hungarian Government and the churches--particularly the Protestant fundamentalist groups which affirm conscientious objection to military service--was removed in March when all 73 conscientious objectors then in jail were released. Alternatives to obligatory military service have been instituted for conscientious objectors.

For the first time since 1948, the reliquary hand of St. Stephen was carried in the procession around the Catholic Basilica in Budapest in services for St. Stephen's Day on August 20. During the Mass, Cardinal Paskai referred several times to his predecessor, Cardinal Mindszenty, who played a role in the 1956 Revolution, became a refugee in the American Embassy during 1956-71, and later died in exile. The Vatican announced the Pope's intention to visit Hungary in 1991, and the Prime Minister expressed readiness to begin negotiations to reestablish diplomatic relations between Hungary and the Vatican, which were severed in 1946.

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Reverend Billy Graham on July 29 addressed a capacity crowd of 90,000 at Budapest's People's Stadium. With the Government's agreement, Reverend Graham's address was announced with posters and newspaper and television advertisements.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All adult citizens are issued an identity booklet which they should carry at all times. They must register with local police when moving from one locality to another. However, no permission is required for movement within Hungary, except to Budapest, where housing shortages have led the Government to restrict the number of new inhabitants.

Operation of the new passport law which came into effect on January 1, 1988 has made foreign travel available on demand to virtually any Hungarian. Hungarian passports are valid for 5 years from the date of issuance for travel to any country for a period of 90 days.

No cases were reported in 1989 in which a person was denied a passport for transparently political reasons, although passport issuance is withheld for cause, including pending legal actions. According to Interior Ministry statistics, 3,552,804 new "World Passports" were issued in 1988, with 8,205 refusals for all reasons, and 1,173,925 "World Passports" were issued in the first 6 months of 1989, with 4,945 refusals for all reasons. Hungarians have become travelers. According to tourist authority statistics, Hungary's 10.6 million citizens made 9.9 million trips abroad in the first 8 months of 1989.

In a new law on emigration and immigration, Parliament provided for the repeal of statutes mandating fines of up to \$90 and denial of tourist passports for 2 years to those who overstayed their authorized 90-day periods abroad without seeking extensions from Hungarian consular officials abroad. Senior Interior Ministry officials stated in September that these sanctions were being waived pending formal entry into force of the new legislation. The new law establishes that it is the fundamental right of Hungarian citizens, for whatever reason, to emigrate from Hungary and return. The law limits emigration by persons who are facing criminal charges for crimes punishable by more than 3 years' imprisonment and other reasons, including possession of state secrets. This last provision may delay departure for 3 years from the date of ceasing to possess state secrets and, along with the other restrictions, is subject to appeal before a court.

The new law specifically guarantees the right of every qualified Hungarian residing abroad to resettle in Hungary. The authorities' recent behavior in this respect has been convincing. Visitors who took part in the June 16 funeral of Imre Nagy included numerous 1956 exiles headed by General Bela Kiraly whose forces fought against the Red Army. The criminal records of many who participated in the 1956 uprising have been expunged. There is currently no reason to expect that any group of returnees would face political persecution in Hungary.

Since early 1988, Hungary has given refuge to over 30,000 people from Romania, mainly ethnic Hungarians, although the recent flow has included substantial percentages of ethnic Romanians. A nationwide system administered by local

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authorities assists all refugees, including nonethnic Hungarians, to find jobs and housing.

In March Hungary became the first Warsaw Pact country to adhere to the 1951 U.N. Convention on the Status of Refugees and the 1967 Additional Protocol, which obliges Hungary not to expel or involuntarily repatriate refugees to countries in which they have a well-grounded fear of persecution. The last documented case of an official effort to repatriate refugees involuntarily to Romania was in January, and it involved three men who had repeatedly sought to cross the Austrian border illegally. The Prime Minister overruled the repatriation order. However, before Ceausescu's overthrow in Romania in December, undocumented reports persisted that Hungarian authorities on the Romanian border continued to repatriate involuntarily some would-be refugees on the basis of local decisions not subject to appeal. These were said to include some ethnic Romanians, Gypsies, unaccompanied minors, couples leaving minor children behind in Romania, and persons suspected of having been sent to Hungary by the Romanian secret police. Since December, the Hungarian Government has worked closely with the new Romanian Government in preventing members of Ceausescu's secret police from fleeing to Hungary.

During 1989 Hungary also began to receive a limited number of refugees from the Soviet Union and Czechoslovakia. An office of the U.N. High Commissioner for Refugees (UNHCR) opened in Budapest in October in a major effort to assist the large numbers of Romanians present. On May 6, the Hungarian army began to dismantle the barbed wire and electrified fences of the "iron curtain" border with Austria. In September Hungary's commitment to the Helsinki Accords and the U.N. Convention on the Status of Refugees was demonstrated by the Government's decision to suspend the terms of a bilateral agreement with the German Democratic Republic (GDR) and open the Hungarian-Austrian border to over 50,000 East Germans who refused to return to the GDR voluntarily so that they could resettle in the FRG.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

During 1989 the reform leadership of the nominally ruling Communist party (since October, the Socialist party) repeatedly committed itself to the transition to a democratic multiparty system. Hungary is no longer a recognizable one-party Communist state, and, if current trends persist, there will be further fundamental changes in the political system in 1990. Citizens may well be able, under the law, to change the system of government and their political leaders. Communists lost four multiparty parliamentary elections since July to Hungarian Democratic Forum candidates, Hungary's most influential opposition party.

In May the HSWP Central Committee stripped former secretary general (1956-1988) Janos Kadar of all party positions, including that of party president. In June it elected a four-member Presidium headed by party Chairman Rezső Nyers. In October the party congress voted to dissolve the party. Its successor, the Hungarian Socialist Party, excluded Karoly Grosz, former secretary general (1988-89) and prime minister, from its 24-member Presidium.

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Negotiations between the Government and Opposition Roundtable (a group of eight opposition parties) from June to September resulted in a limited accord clearing the way for multiparty elections. The September 18 document, signed by Rezso Nyers and Imre Pozsgay on behalf of the Communist party, concluded that the talks "served to create the political and legal conditions for peaceful transition, to develop a democratic constitutional state on the basis of a multiparty system, and to extricate the nation from its social and economic crisis." The opposition parties which signed the accord claimed important progress in securing the departure of party units from workplaces, reducing the Communist party's paramilitary Workers' Militia and bringing it under military control, and promoting the depoliticization of the military and judiciary. The Association of Free Democrats and the Young Democrats (FIDESZ) neither signed nor vetoed the accord because of objections to holding direct presidential elections before the multiparty parliamentary elections.

The Free Democrats and FIDESZ launched a campaign to hold a national referendum on November 26. The referendum confirmed overwhelming popular support for political changes already undertaken (e.g., withdrawal of party units from workplaces, disclosure of Communist party assets, and disbanding of the Workers' Militia), but only a razor-thin majority voted in favor of delaying the Presidential election until after the March 1990 Parliamentary elections.

Voting was compulsory until the 1960's and was subsequently officially encouraged, but low turnouts have been a feature of recent by-elections. Suffrage is universal, and election is by secret ballot. Polling places were monitored, and ballots were counted by local officials together with representatives of the Communist party and opposition parties.

Parliamentary elections take place every 5 years. Nearly 50 percent (176 of 386) of the members of the new Parliament will be chosen on the basis of individual local candidacies, with 152 chosen by proportional representation within each of the 19 counties and Budapest, and 58 chosen on the basis of national proportional representation. In elections based on individual candidacies, the winner must obtain a majority of votes from a 50-plus percent turnout or, failing that, a plurality from a 25-plus percent turnout in the second round.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In 1989 Hungary was not the subject of any resolutions, investigations, or other actions by international or recognized nongovernmental organizations dealing with human rights. However, Hungary cosponsored a United Nations human rights resolution calling for a special rapporteur for Romania to investigate the treatment of ethnic Hungarians in Transylvania.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In theory and practice, Hungary is sensitive to the cultural aspirations of its recognized ethnic minorities. Schools provide instruction in the mother tongue, and varieties of ethnic expression are encouraged on a nondiscriminatory basis. A major reason for this policy is the hope of creating

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a "demonstration effect" which will indirectly benefit the millions of Hungarians living as minorities in adjacent countries.

Hungary has some 500,000 people, or about 5 percent of the population, who identify themselves as Gypsies. Although they are not recognized as an official minority, the Government has various programs designed to raise their standard of living and promote their absorption into the mainstream of Hungarian life. Gypsies are, on the average, considerably less educated and poorer than the majority Magyar population or the recognized ethnic minorities. Male Gypsy life expectancy--55 years--is 8 years below the national average for males. Half of Gypsy school-leavers fail to complete the minimum eight grades; Gypsies reportedly account for over half of Hungary's unemployed; and the crime rate is nearly twice as high among Gypsies as non-Gypsies. Media reporting of Gypsy issues makes clear that there is abundant popular prejudice against them and that they suffer effective discrimination in housing and jobs. Gypsies have established a number of rights organizations, including the Cultural Federation of Hungarian Gypsies, established in 1986.

The year saw an important revival of Jewish cultural life with the foundation of the Raoul Wallenberg Society, the Jewish Cultural Association, and the Iles Monus Association. The Jewish Cultural Association is a grouping of young Jewish intellectuals who are in opposition to the Jewish community's established leadership. The Iles Monus Association, named after a Jewish Social Democrat who died in a German death camp, seeks to cooperate with the political left in Israel, including trade unions, cooperatives, and kibbutzes.

Manifestations of anti-Semitic sentiments during the year were criticized by the Communist party and government leadership. Israeli leaders, including the Prime Minister and Foreign Minister, visited Hungary in 1989, and in September Hungary became the first of the Warsaw Pact countries which broke diplomatic relations with Israel in 1967 to restore full relations.

Women enjoy the same legal rights as men and benefit from a good national system of child-care facilities. Inheritance and property rights of women are identical to those for men.

The women's movement is in its infancy. The first feminist group, a chapter of the Democratic Trade Union of Scientific Workers, was established in Szeged in September. According to Hungarian feminists, wife beating is common in society, especially among lower income groups. Husbands' sexual abuse of wives is not an acknowledged legal concept. Rapes are frequently unreported. There were 321 convictions for rape in 1988; the crime is a felony, and punishment is from 2 to 8 years' imprisonment or from 5 to 10 years in cases involving "criminal partnership."

Section 6 Worker Rights

a. The Right of Association

Legal norms and actual practice in the organization of trade unions continue to be in flux. The official trade union organization, SZOT, remains under pressure from several directions. As the traditional "conveyor belt" for securing worker compliance with central economic planning, SZOT remains

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the nominal representative of Hungary's 4.5 million actively employed persons through its 19 affiliated unions..

During 1989 it sought to refurbish its image as defender of workers' interests through means such as a national warning strike in August to protest a 6-percent meat price increase. The warning strike and similar tactics were denounced by the independent unions and characterized by reform Communist Prime Minister Miklos Nemeth as "social demagoguery." While SZOT's relations with the country's Prime Minister and other reform Communists are strained, the institutional links with the ruling party remain. SZOT remains affiliated with the Communist-controlled World Federation of Trade Unions.

Hungary's first independent trade union, a grouping of scientific and technical workers (TDDSZ) formed in 1988, has been joined by democratic unions of teachers, film workers, teachers of the handicapped, ambulance drivers and pharmacists, railway workers, and building maintenance workers. Also, there are independent local unions of transport cooperatives (bus drivers), and a small blue-collar union, Workers' Solidarity, which has some 3,000 members.

These unions are independent of the Government, the Communist party, and SZOT. In April the Democratic League of Independent Trade Unions was formally established to coordinate the work of independent unions; representatives took part in the June-September negotiations between the Communist party and the Opposition Roundtable. Several SZOT branch unions and locals, including the official Film Workers' Union, work cooperatively with the independent unions. Together with the double-affiliated SZOT branch unions, Hungary's independent unions have over 40,000 members. They have contacts with Western Europe's Christian-Socialist unions, Poland's Solidarity, the American Federation of Labor and Congress of Industrial Organizations, the International Confederation of Free Trade Unions (ICFTU), and the World Confederation of Labor. Two of the independent unions have affiliated to an ICFTU-associated International Trade Secretariat (ITS), and there have also been contacts between SZOT branch unions and other ITS's. There is no legal impediment to these affiliations.

Strike legislation adopted by Parliament in March authorizes strikes if conciliation procedures have broken down. Strikes are excluded: if workers' complaints are under legal adjudication; if the objective is to alter a currently valid collective labor contract; or if the strike would "threaten life, health, bodily safety, or the environment in a direct and serious manner, or hinder disaster relief efforts." The law specifically authorizes solidarity strikes. The right to strike is denied to members of the judiciary, military personnel, and the police. In addition to the national warning strike mentioned above, several small-scale strikes occurred in 1989.

b. The Right to Organize and Bargain Collectively

The end of Hungary's system of centrally mandated wages became effective in January when the Government implemented a system of "interest coordination," in which labor and management negotiate specific wages in individual enterprises based on government suggestions, which are backed up with tax incentives. The new system thus provides for a limited element of collective bargaining. Managers have some

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flexibility in job categorization and in payment of allowances, which also gives importance to worker-management discussions in individual enterprises. There is some evidence that employers consult representatives of independent unions as well as those of SZOT in individual workplaces. While experience is lacking, there are no apparent safeguards against antiunion discrimination by employers against union members and organizers. The 1989 strike law rules out punitive measures against employees who take part in strikes. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Hungary took a step forward when Parliament in 1989 repealed the so-called Parasitism Statute of the penal code, which provided for sanctions against persons lacking visible means of support who were convicted of refusing to work twice within 2 years. Possible punishments included a year's imprisonment, reformatory work, a fine, or expulsion to another part of the country. More than 2,000 people were convicted under the Parasitism Statute in 1987. Gypsies were prosecuted under the law, but there was no evidence of its use against political dissidents.

d. Minimum Age for Employment of Children

The minimum age for employment is 15 years. There are no reports of significant abuses.

e. Acceptable Conditions of Work

Hungarian workplaces are obligated under law to provide workers with safe working conditions, a hot meal at heavily subsidized prices, and such pay-related benefits as overtime. The Government guarantees all Hungarians the right to 15 days of paid vacation per year and 1 additional day for each 3 years of service. The minimum wage is equivalent to \$66 per month at the official exchange rate, which is not sufficient to provide a decent standard of living for a worker and his family.

The State in principle provides most workers with free education, health care, and pensions, but in reality the standard of such services is declining. The average official workweek is approximately 45 hours, although most Hungarians supplement their incomes by working after hours in cooperatives and private second jobs. Many must do so in order to provide a minimal standard of living for their families. The Government sets occupational health and safety standards, but safety conditions in Hungarian firms are not up to the standards of Western industrialized countries.

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Iceland is a constitutional republic and a multiparty, parliamentary democracy. Its literate and educated people participate in high percentages in regular fair and free elections which determine the distribution of power among political parties and leaders. Freedom of the press and freedom of association are sacrosanct.

The civil and criminal justice systems offer equal protection to all. The nation has no indigenous military forces or political security apparatus.

Iceland has a mixed, open economy in which all of its citizens enjoy the right to hold private property.

Icelanders have long been strong defenders of human rights both at home and internationally, and the country has an exemplary human rights record.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Political killings do not occur.

b. Disappearance

There were no instances of abductions or disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel, inhuman, or degrading treatment or punishment are all prohibited by law and do not occur in practice.

d. Arbitrary Arrest, Detention, or Exile

Due process is provided by law and observed in practice. The Icelandic Constitution states that any person arrested by the authorities must be brought before a judge without undue delay. The judge must, within 24 hours, rule whether the person is to be detained. Although the Constitution allows for the imposition of bail, no such condition is usually applied. Any judicial ruling by the judge may be appealed immediately to a higher court. Preventive detention is not practiced. There were no allegations of arbitrary arrest.

There is no exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Defendants may confront witnesses and otherwise participate in public trials, which are fair and free from intimidation. In addition, defendants are guaranteed the right to competent legal counsel of their own choice. In cases where defendants are unable to pay attorney's fees, the State does so. The courts are free of political control. Although the Ministry of Justice administers the lower court system, the Supreme Court carefully guards its independence and fairness. Juries are not normally used, but multijudge panels are common, especially in the appeals process. Due process is rigorously observed. There are no political prisoners.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution and in practice, there is deep respect for the autonomy and rights of individuals. A warrant from a court is required for entry into a home except in cases of hot pursuit. Arbitrary intrusions by official entities, political organizations, or any other organized group into the private beliefs or personal liberties of individuals do not occur.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution expressly forbids censorship and other restrictions on the freedom of the press and a person's right to express his thoughts. Citizens and the media exercise this freedom extensively. Academic freedom of expression is vigorously exercised.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble unarmed, except when it is feared that such gatherings may cause riots. In practice, plans for public meetings are virtually never forbidden, and the authorities only rarely modify them.

In addition, the Constitution provides citizens the right to join together formally or informally to form associations without governmental authorization. A varied and wide spectrum of voluntary organizations plays a vital role in Icelandic politics and society. Icelanders are free to maintain international contacts.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Lutheran Church is the established church of Iceland and most citizens are nominally members, there is complete freedom for other faiths. A variety of both Christian and non-Christian faiths are allowed to proselytize freely. They may maintain ties with and receive support from coreligionists abroad. Religious affiliation is not a factor in political or economic life.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Icelanders have freedom to travel at home and abroad, to emigrate, and to return to Iceland at will. Refugees are never compelled to return to a country in which they would face persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The political system is an open, fully functioning, parliamentary democracy in which voters freely choose the members of the Althing (parliament) who, in turn, make the laws of the land and determine the composition of the Cabinet. Parliamentary elections are held at 4-year intervals unless the Althing dissolves itself before the end of its full term. Voting in elections and membership in the various

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political parties are open to all citizens who are 18 years of age or older. Primary elections are used to select most Althing candidates. Multimember districts and proportional representation increase the chances for minority points of view to be represented. In addition, there is a strong cultural insistence on having the views of all significant groups represented in the Althing. Because no party gained a majority of seats in the April 1987 election, a three-party coalition government was formed in July 1987. This coalition broke up in September 1988 and was succeeded by a center-left Government comprising the Progressive Party, the Social Democratic Party, and the People's Alliance with Steingrímur Hermannsson of the Progressive Party as Prime Minister. The Citizen's Party joined the coalition on September 17, 1989.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No serious human rights violations have been alleged. In 1987, however, one Icelandier complained to the European Commission of Human Rights that it was a violation of his rights to have an official of the same agency which accused him of violating a traffic law also pass judgment on and sentence him (i.e., impose a monetary fine for speeding). The Commission determined that the case was admissible, but no further action took place in that forum pending discussions between the complainant and the Icelandic Ministry of Justice. Furthermore, a law will come into effect in 1992 that will transfer all judicial authority from local officials, who also serve concurrently as chiefs of police, to a new system of eight district courts.

Several human rights organizations are active in Iceland. The Government and populace support international efforts to improve human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Iceland's ethnically homogeneous population is fiercely egalitarian and opposed to discrimination regardless of whether it is based on sex, religion, or other factors.

Violence against women, both physical and mental, occurs. The problem is not widely publicized, but the Women's List raises it periodically in political debate. A public women's shelter operates in Reykjavik and offers protection to approximately 200 women per year. Fifty percent of those who make use of the shelter cite alcohol abuse by their male partners as a contributing factor to the violence they suffer.

Section 6 Worker Rights

a. The Right of Association

Workers and employers in Iceland make extensive use of the rights to (a) establish organizations, (b) draw up their own constitutions and rules, (c) choose their own leaders and policies, and (d) publicize their views. The resulting organizations are not controlled by the Government or any single political party but instead reflect the views of their members. Icelandic unions participate actively in European and international trade union organizations.

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With the exception of limited categories of workers in the public sector whose services are essential to public health or safety (e.g., air traffic controllers), unions have possessed and used the right to strike under the law in Iceland for many years. However, the right to strike was abridged through February 15, 1989, after the Government promulgated a provisional law on May 20, 1988, intended to cool down the overheated economy (also see Section 6.b.).

b. The Right to Organize and Bargain Collectively

Over 90 percent of all eligible workers in Iceland belong to unions. There are no impediments to union membership in law or in practice. Virtually all unions utilize the right to bargain collectively on wages, working conditions, and related issues. Labor courts adjudicate disputes over labor contracts and over the rights and provisions guaranteed under the 1938 Act on Trade Unions and Industrial Disputes.

Under the provisional law of May 20, 1988, those unions which had not yet concluded labor contracts were prohibited from making agreements giving workers larger increases in wages and benefits than was provided under the contracts concluded prior to May 20. The provisional law, later amended, also set aside through February 15, 1989, any provisions of labor contracts which would have permitted workers to cancel or renegotiate these contracts in the event that the consumer price index exceeded the predicted levels (called red lines) on specified, quarterly dates. (Red line provisions are common in Icelandic labor contracts.) The Icelandic Federation of Labor (IFL) protested this law publicly and sent a complaint to the Committee on Freedom of Association of the International Labor Organization (ILO) citing all three provisions as infringements of workers rights. After receiving the Government's position and views, the ILO found the Government's measures to be violations of bargaining rights, but nevertheless found them justifiable in view of the condition of the Icelandic economy.

On August 26, 1988, the Government promulgated another provisional law affecting many labor contracts. This law froze wages and prices through September 30, 1988. A third provisional law, promulgated on September 28, extended this freeze through February 15, 1989, thereby depriving most workers of two or more wage increases scheduled under existing labor contracts. The IFL publicly protested these laws.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not exist in Iceland.

d. Minimum Age for Employment of Children

The employment of children below the age of 16 in factories, on ships, and in other places which are hazardous or require hard labor is prohibited by law, and this prohibition is observed in practice.

e. Acceptable Conditions of Work

Icelandic workers are protected by laws which effectively ensure their health and safety as well as guarantee them

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unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. Although there is no minimum wage law, union membership is so pervasive and effective that labor contracts, in effect, guarantee even the lowest paid workers a sufficient income to give them and their families decent living conditions. Food, shelter, health care, and education are all guaranteed without discrimination to those lacking adequate income because they are too old, too young, sick, or otherwise disadvantaged.

IRELAND

The Republic of Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. Individual liberties and civil rights are guaranteed by the 1937 Irish Constitution and subsequent Supreme Court interpretations.

A civilian police force maintains public safety. Successive Irish governments have had to deal with the spillover into the Republic of violence from Northern Ireland. That violence led Irish authorities to adopt special legislation in 1984 granting the police increased powers to detain and interrogate those suspected of acts of terrorism. During 1989 Irish officials continued to apply such special legislation with restraint.

The Irish economy, based largely on free enterprise, has grown rapidly as a result of long-term policies of industrialization and diversification. It performed well in 1989 despite continued fiscal austerity and unemployment of about 17 percent. Exports were strong, and the budget deficit was reduced.

The Government and people of Ireland attach great importance to the observance and maintenance of human rights, both in theory and practice at home and abroad, and there were few, if any, reports of human rights abuses during 1989. Discrimination (and violence) against women remains a human rights problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In the past, politically motivated killings have occurred in Ireland as a spillover from the violence in Northern Ireland. In these cases, such groups as the Provisional Irish Republican Army (PIRA) or the Irish National Liberation Army (INLA) usually claim responsibility. In 1989 two such killings took place in the Republic's border area with Northern Ireland. The Government uses the full force of law to pursue and prosecute such cases wherever possible.

b. Disappearance

People are not abducted, secretly arrested, or held in clandestine detention by the Irish authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and other cruel, inhuman, or degrading punishment is respected in practice by the Government.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that a person shall be deprived of personal liberty only in accordance with the law. The same section of the Constitution provides for a judicial determination of the legality of a person's detention and requires in such cases that the arresting authorities make written explanation to the court about the person concerned. Neither in law nor in practice is anyone subject to arrest for the expression of political or religious views.

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Short-term detention without charge exists but is restricted. It is permitted for a maximum of 48 hours in cases covered by the Offenses Against the State Act of 1939, legislation designed to "prevent actions and conduct calculated to undermine public order and the authority of the State." This legislation was reactivated in 1972 and broadened to include other "scheduled offenses" against peace and order. The police may now arrest and detain for questioning anyone suspected of any offense involving firearms, explosives, membership in an unlawful organization, or malicious damage to property. After the 48-hour period, the person must be brought before a magistrate, presented with written charges, and given legal representation.

The Omnibus Criminal Justice Act of 1984 gives some increased powers to the police in the area of detention for interrogation. Critics of the 1984 act have argued that those increased powers, which did not come into effect until 1987, following implementation of the companion complaints procedure, are out of proportion to the threat addressed and are unhealthy for democracy. Defenders of this legislation counter that two issues of human rights are at stake: the right of citizens to be protected against crime, along with the safeguarding of individual rights from abuse by police.

Neither incommunicado detention nor exile is used. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Fair public trial is guaranteed by the Constitution and respected in practice. A defendant has the right to legal counsel. The courts are independent, and jury trial is the norm. The Constitution provides, however, for the creation of "special courts" to deal with cases where the "ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order." The Offenses Against the State Act of 1939 formally set up such courts and provided that they may try persons for offenses against national security, particularly cases of political violence perpetrated by terrorist groups likely to intimidate regular juries. Rather than having juries, these courts have panels of judges, each consisting of an uneven number of judges, but in any event not less than three. Their verdicts are by majority vote. Rules of evidence generally are similar to those of regular courts, except that the sworn statement of a police chief superintendent that the accused is a member of an illegal organization is considered prima facie evidence of such membership. Court sessions are usually public but may exclude certain persons, other than genuine press representatives. There is provision for free legal aid and appeal against conviction or sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Though not specifically provided for in the Constitution, the basic human right of noninterference with personal privacy, family, and home is affirmed by the Supreme Court and generally observed. The Constitution, however, provides that the State shall enact no law "providing for the grant of the dissolution of marriage." A proposal to amend the Constitution to permit divorce in limited circumstances was overwhelmingly defeated in a 1986 nationwide referendum. In the same year, the European Court of Human Rights ruled that

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the absence of divorce is not a breach of the European Convention on Human Rights.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and generally respected in practice. The State endeavors to insure that organs of public opinion, while preserving liberty of expression (including criticism of government policy), are not used to undermine public order, morality, or the authority of the State. Furthermore, "publication or utterance of blasphemous, seditious, or indecent matter" is an offense punishable by law.

Ordinarily, official censorship is directed largely toward pornographic material. Nonetheless, the state-owned radio and television network, on the basis of the constitutional provisions dealing with public order and the authority of the State, denies air time to members of a list of organizations including (Provisional) Sinn Fein, the legal political wing of the illegal Provisional Irish Republican Army (PIRA). In 1982 this prohibition was challenged before the Irish Supreme Court and upheld on constitutional grounds. All political parties not on the list are given access to both publicly owned radio and television facilities and major independent daily newspapers. Criticism of the Government in such media is allowed and it flourishes. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution and respected in practice. Certain terrorist organizations, such as PIRA and INLA, however, are illegal, and membership in them is an offense against national security. Political parties or groups associated with such organizations, such as (Provisional) Sinn Fein, are not proscribed.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Ireland is 94 percent Roman Catholic. The Constitution provides for freedom of religion, and there are no restrictions upon freedom of worship. Discrimination in employment, education, and other fields based on religious grounds has not been alleged. Some Irish laws, such as the prohibition against divorce, reflect the point of view of the majority of the population. The area of family law--including the rights of illegitimate children--is the subject of current debate in which minority religious communities have felt fully at liberty to take a vocal and active role.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is complete freedom of movement within the country, as well as freedom to engage in foreign travel, emigration, and voluntary repatriation. Irish authorities have accepted asylum-seekers only on a limited basis and firmly apply international definitions to those who claim refugee status.

IRELAND**Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Ireland has enjoyed a consistent history of orderly transfer of power by elections since the end of the Irish civil war in 1923. The country has several political parties and provision for independents to stand for election to either house of the Irish Parliament. The constitutional requirement that elections be held at least every 7 years has always been met. Ireland uses a proportional voting system, and the secrecy of the ballot is fully safeguarded. There is universal suffrage for those over 18 years of age.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Irish governments generally cooperate with independent outside investigations of alleged human rights abuses, although they have not always been receptive to prisoners' rights groups. The Irish Council for Civil Liberties operates freely and without hindrance as the principal independent organization interested in domestic human rights issues.

Ireland has held the vice-chairmanship of the U.N. Human Rights Commission, reflecting concern by both the Government and people for worldwide respect for basic human rights. This concern is reflected as well in support for Amnesty International's activities in other countries.

Section 5 Discrimination Based On Race, Sex, Religion, Language, or Social Status

Government social services provide adequate shelter, nutrition, health care, and education without regard to race, religion, sex, ethnic background, or political opinion. People whose means are inadequate and who are not entitled to other benefits may receive pensions or other payments from public funds.

The Anti-Discrimination (pay) Act of 1974 and the Employment Equality Act of 1977 seek to provide protection and redress against sex and pay discrimination. Their operation is monitored by the Employment Equality Agency. The number of cases has fallen in recent years, but this has not been accompanied by real progress in eliminating the differential in the key index of average hourly earnings in industry. In June 1988, women's hourly earnings in the manufacturing sector were 67 percent of men's earnings.

According to women activists, violence directed specifically against women, including wife beating, is not acceptable in Irish society. Nevertheless, violence against women occurs, although its extent is not reliably known. Police frequently are reluctant to bring domestic problems into court, and women do not readily seek redress under the law for abuses committed against them. The women's movement continues to highlight family law, rape law reform, and social welfare discrimination as problem areas.

Section 6 Worker Rights**a. The Right of Association**

Workers have the right to associate freely and to strike. There is no basic law governing trade union activities. The

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right to join a union is guaranteed by law, as is the right to refrain from joining. Most businesses (covering over 56 percent of the labor force) are unionized.

The Irish Congress of Trade Unions (ICTU), which represents unions in both the Republic and Northern Ireland, has 81 member unions with 663,000 members. Both the ICTU and the unaffiliated unions are independent of the Government and of the political parties. The ICTU is affiliated with the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively

Labor unions have full freedom to organize and to engage in free collective bargaining. Most terms and conditions of employment are determined through collective bargaining. As part of the industrial relations machinery, the Labour Court, consisting of an employer representative, a trade union representative, and an independent chairman, may investigate trade union disputes, recommend the terms of settlement, engage in conciliation and arbitration, and set up joint committees to regulate conditions of employment and minimum rates of pay for workers in a given trade or industry. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not exist. For a number of years, however, the Committee of Experts of the International Labor Organization (ILO) has urged the Government to bring an 1894 merchant seaman's law, still on the books, into conformity with ILO Convention 105 on the Abolition of Forced Labor which Ireland has ratified. The Government has assured the Committee that the provisions in question regarding disciplinary measures for seamen have not been used in recent times and that steps are under way to amend the legislation.

d. Minimum Age for Employment of Children

The minimum age for employment is 14 years with the written permission of the parents. Irish laws limit the hours of employment for 15-year-olds to 8 hours per day and 40 hours per week. Those from 16 to 17 years of age may work up to 9 hours per day and 40 hours per week. These provisions are effectively enforced.

e. Acceptable Conditions of Work

There is no general minimum wage legislation. However, some workers are covered by minimum wage laws applicable to specific industrial sectors, mainly those which tend to pay lower than average wages. The 1988 average weekly wage of \$310 for production and transport workers was generally adequate to provide an acceptable standard of living. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours in a year. Four basic laws dealing with occupational safety provide adequate coverage. An extensive system of public health insurance offers health protection.

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Italy is a democratic multiparty republic with a parliamentary system of government. Parliament is directly and freely elected on the basis of universal adult suffrage. Executive authority is concentrated in the Council of Ministers, which is currently led by Prime Minister Giulio Andreotti from the Christian Democratic Party. The judiciary is independent of the executive. The Chief of State, the President, is elected by Parliament and representatives of Italy's 20 regions.

Terrorist violence of both the left and right has remained at low levels in recent years, due to the effective work of police and magistrates and its overwhelming rejection by the people as a whole. Although terrorism has yet to be completely overcome, its considerable reduction has freed increased law enforcement resources for the struggle against organized crime, which remains a serious problem.

Italy has an industrialized market economy ranking among the top 10 in the world in gross national product. It is characterized by sizable government ownership in the primary industrial sectors and by a dynamic private sector, comprising especially small and medium-sized companies.

In 1989 Italian citizens began to face directly the need to confront the problem of racism. The issues of violence against women and child abuse also were raised. The human rights situation in general was good, and the trend toward more openness in dealing with sensitive human relations problems may require new legislation.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

Neither government forces nor legal opposition organizations engage in these kinds of killing, and there were none in 1989.

b. Disappearance

There were no cases of politically motivated disappearance or kidnapping.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is provided for by law and respected in practice. Cruel and degrading punishment is forbidden by law, and cases of violations have been rare. There were no allegations of ill-treatment of prisoners during 1989.

d. Arbitrary Arrest, Detention, or Exile

Police procedures are carefully controlled by law and judicial oversight. Arbitrary arrest is not practiced. Anyone detained by the authorities must be charged within 48 hours. In normal criminal cases, the permitted duration of pretrial detention varies according to the gravity of the crime. Under reforms passed in 1984, the maximum time that any person may be held in pretrial detention, even for the most serious crimes, is 5 1/2 years and no more than 2 years at each step of the trial and during the long appeals process.

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In September the Government issued a decree permitting the detention of persons convicted of Mafia-type organized crimes and crimes involving drug trafficking for an additional 6 months. This extension applies only to appeals, not to trials of first instance. The step was taken to avoid the release from prison of many convicts whose appeals were still pending after 2 years. In Italy, an appeal results in a new trial which must be completed within 2 years after the appeal is filed.

Lengthy pretrial detention remains a problem in Italy. As a safeguard against abuse, "liberty tribunals" are empowered to review evidence in cases of persons awaiting trial and to decide whether continued detention is warranted.

Exile as a form of punishment is unknown. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A fair trial is assured by law and observed in practice in almost all cases. Counsel is provided for the accused, free of charge if necessary. Trial procedures are often cumbersome, with the result that trials frequently last an inordinately long time. An "adversarial"-type trial system is to be implemented before the end of 1989. It is hoped that this system, similar to that in use in the United States, will result in speedier trials.

The judiciary is independent of the executive, and there are no political or security courts. All cases may be appealed to the highest appellate court, the Court of Cassation. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The concept of the privacy of the home is legally safeguarded and respected by the authorities. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free speech and a free press are assured under Italy's democratic political system, which allows expression of a wide spectrum of political views. Although there is no censorship, publications may be seized for violation of obscenity laws or for defamation of state institutions. These powers are seldom invoked. Government-run radio and television are politicized at the administrative level but are open to widely differing views. A large number of private radio and television stations have been broadcasting since the early 1980's and providing competition for the state-owned broadcasting system. Public and private stations air vigorous debate on political and social issues.

b. Freedom of Peaceful Assembly and Association

Italian citizens are unhampered in exercising their right of free assembly, which is limited only in cases where national security or public safety is endangered. Permits are not required for meetings, but organizers of public demonstrations

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must notify the police in advance. Professional and employee associations organize and represent their constituencies freely. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

People are free to profess and practice any religious faith. All religions are free to organize and proselytize within the limits imposed by the laws governing public order. The Government has reached agreements with some religious groups to define their rights and status.

Italy's relations with the Roman Catholic Church are governed by a 1984 agreement (Concordat) between the Italian Government and the Holy See, ratified in 1985. The agreement, which replaced the Concordat of 1929, recognizes the rights and place of Catholicism but no longer accords it the status of a state religion. The Roman Catholic Church continues informally to enjoy special standing in Italy because of the presence of the Vatican and because the overwhelming majority of Italians are, at least nominally, Roman Catholic. Starting in 1990, the clergy will be supported entirely by voluntary contributions instead of by a subsidy provided by the State. Roman Catholic religious instruction is offered in the public schools as an optional subject.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Italian citizens may travel freely both within the country and abroad. Emigration is unrestricted. Citizens who leave are guaranteed the right to return, and the Constitution forbids deprivation of citizenship for political reasons. Although it does not normally offer permanent resettlement to political refugees, Italy has provided temporary haven for many persons fleeing persecution who are eventually resettled in third countries. There were no cases of forced repatriation of political refugees in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Italy has a democratic, multiparty parliamentary system. Although the Constitution outlaws the Fascist party, a wide range of organized and active political parties exists from the far left to the far right of the political spectrum. Election campaigns are free and open, and voting is by secret ballot. The two chambers of Parliament and regional, provincial, and municipal councils are elected at regular intervals. Opposition groups are active and are frequently able to alter or reject government policies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Nongovernmental organizations are free to investigate conditions in Italy, attend trials, and publish their findings.

The Government actively promotes human rights around the world and participates fully in various international human rights organizations, including the United Nations Human Rights Commission.

ITALY**Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status**

There is no legal discrimination on the basis of race, religion, sex, ethnic background, or political opinion.

In 1989 there was an increase in race-related incidents involving persons of African origin residing, often illegally, in Italy. In one such incident, a black refugee from South Africa working as a migrant farm worker near Caserta, was murdered in the course of a robbery by a band of Italian youths. The case focused Italian Government and media attention on the problem of Third World immigrants living in Italy whose numbers have been growing rapidly over the past decade. The Government is contemplating immigration legislation which will limit entry of non-European Community residents into Italy.

Intolerance by northern Italians toward their fellow citizens from the south has also become more apparent during the past year, with the murder of a southerner vacationing in the north evidently motivated by such feelings. Discrimination based on race is deplored by the Government and by the great majority of Italians. In both incidents, the perpetrators were apprehended and prosecuted.

The condition of women in Italy has improved greatly over the past 20 years. Women participate freely in political and social life. Since 1963 it has been illegal to dismiss a female employee within 1 year of her marriage date except "for cause."

Women enjoy equal rights with men in marriage. In the event of divorce, a woman is entitled to a share of the survivor's pension and any inheritance in the event of the death of her ex-husband. The property of a married couple is considered community property unless husband and wife agree to keep their property divided. All assets acquired prior to marriage are exempt from the community property provision.

Violence against women and children became a major topic of governmental and media attention during 1989. Demands were made by women's groups for stiffer penalties against rapists; the Parliament is considering this possibility. Media attention was also focused on the subject of wife beating and child abuse. There are no reliable statistics available on the subject, however, since most incidents of this nature are not reported to the police. A telephone "hot line" service established in 1988 reported receiving 8,000 telephone calls during its first year from abused women throughout Italy.

German speakers in the Alto Adige region bordering on Austria have claimed for many years that they were discriminated against on the basis of language--particularly in legal proceedings and in the schools--and a recently enacted package of reforms is aimed at providing further protection for them. Italian speakers have complained that the new concessions to the German-speaking minority have in fact resulted in reverse discrimination. Italian speakers, who are a minority in many parts of the region, have claimed that they are discriminated against in obtaining housing and employment.

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Section 6 Worker Rights

a. The Right of Association

The Workers' Statute of 1970 provides for the right to establish a trade union, to join a union, and to carry out union activities in the workplace. Trade unions are not government controlled, and the Constitution fully protects their right to strike, which is frequently exercised. In practice, the three major labor confederations have strong ideological ties to the three major political parties and perform certain services for the Government, (e.g., administering certain social welfare benefits), which compensates them accordingly. Moreover, the Workers' Statute favors the three confederations to the extent that it is difficult for small unions, including the so-called "base committees" (COBAS) to obtain recognition. This was a major issue in the numerous strikes called by the COBAS in 1989.

Overall, there was some increase in the number of hours lost to strikes during the year. However, the major cause was a 4-hour general strike in May called by the three confederations to protest government plans to increase health benefit contributions. Italian unions engage freely and actively in international trade union organizations.

b. The Right to Organize and Bargain Collectively

The right of workers to organize and bargain collectively is protected by the Constitution and is freely practiced throughout the country. Labor-management relations are governed by legislation, custom, collective bargaining agreements, and labor contracts. A key element of labor-management-government cooperation affecting the industrial relations climate has been the 1986 agreement on indexing wages (scala mobile) to the cost of living every 6 months. National collective bargaining agreements de facto apply to all workers regardless of union membership. Collective bargaining at the national level (involving the three confederations, the public and private employers' organizations and, where appropriate, the Government), occurs irregularly and deals with issues of universal concern, particularly the system of wage indexation.

Sectoral negotiations, involving national-level industry unions and employers' organizations, typically occur three times a year and set agreements covering all aspects of labor relations which apply to all workers, whether unionized or not. Voluntary, nonbinding mediation is provided by the Ministry of Labor and is often effective in bringing labor and management together. There are no areas of the country, such as export processing zones, where union organizations and collective bargaining are impeded or discouraged. The law prohibits antiunion discrimination by employers against union members and organizers.

c. Prohibition of Forced or Compulsory Labor.

Forced or compulsory labor, which is prohibited by law, does not exist in practice.

d. Minimum Age for Employment of Children

Under current legislation, no child under 15 years of age may be employed (with some specified exceptions). The Ministry of

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Labor, having consulted with the labor organizations, may, as an exception, authorize the employment on specific jobs of children over 12 years of age. The minimum age is 15 for men employed in dangerous, fatiguing, and unsanitary work, and 16 for men employed underground; in quarries, mines, and tunnels without mechanical vehicles; in weight lifting and carrying; in loading and unloading sulphur ovens in Sicily; and in occupations harmful to the workers' morale. No worker under 18 years may be employed in driving and pulling trucks and carriages, or in jobs for the manufacture, handling, and salvaging of explosives. Minimum age and compulsory education laws are effectively enforced.

No women, regardless of age, are permitted to be employed underground, in quarries, mines, or tunnels. Only women over 21 are allowed to work in dangerous, fatiguing, and unsanitary jobs, on the cleaning and servicing of engines, or on moving machinery.

e. Acceptable Conditions of Work

Minimum work and safety standards are established by law and buttressed and extended in collective labor contracts. The Basic Law of 1923 provides for a maximum workweek of 48 hours--no more than 6 days per week and 8 hours per day. The 8-hour day may be exceeded for some special categories. Most collective labor agreements provide for a 36- to 38-hour week. Overtime may not exceed 2 hours per day or an average of 12 hours per week.

There is no minimum wage set under Italian law; basic wages and salaries are set forth in collective labor agreements. National collective labor agreements contain minimum standards to which individual employment agreements must conform. In the absence of agreement between the parties, the courts may step in to determine fair wages on the basis of practice in related activities or related collective agreements.

Basic health and safety standards and guidelines for compensation for on-the-job injury are set forth in an extensive body of law and regulations. In most cases, these standards are exceeded in collective bargaining agreements. Enforcement of health and safety regulations is entrusted to labor inspectors, an autonomous group within the Labor Ministry who have the same status as judicial police officers. Inspectors make periodic visits to companies to ensure observance of safety regulations. Violators may be fined or even imprisoned. Trade unions also play an important role in reporting safety violations to inspectors.

Despite these enforcement provisions, according to government statistics, the number of deaths from on-the-job accidents has risen from 1,704 recorded in 1985 to 1,905 in 1988. Part of the problem is an inadequate number of inspectors. There is also pressure on workers in southern Italy, due to high unemployment, to accept unsafe conditions as a necessary evil if they are to have a job. There are many substandard workplaces in Italy, especially in the south.

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Latvia, an independent state between the two World Wars, was forcibly annexed by the Union of Soviet Socialist Republics (U.S.S.R.) in 1940. The United States does not recognize the forcible incorporation of Latvia into the U.S.S.R.

Like the other Baltic states, Latvia has been subjected to the same centralized rule, the same constitution and judicial system, and the same restrictions on civil and political liberties as in the Soviet Union. Political power has been exercised by the leadership of the Communist Party of the Soviet Union, which has tightly controlled the activities of local government and Communist Party structures.

Since 1988 Latvians have seized greater control over their own affairs. Responding to mass public pressure demanding democracy and respect for human rights and following the example of the other Baltic states, the Latvian Supreme Soviet (parliament) adopted a "Declaration of Sovereignty" and constitutional amendment in July 1989, declaring that its laws took precedence over those of the U.S.S.R. Supreme Soviet. In response to both the Latvian declaration and related developments in other republics, the U.S.S.R. Supreme Soviet Presidium voted on November 10, 1989, to instruct all 15 Republic Supreme Soviets to bring their laws into conformity with all-Union law and the Soviet Constitution. By the end of 1989, however, no action had been taken to enforce this declaration.

The primary law enforcement organization in Latvia is the militia (police). The powerful Committee for State Security (K.G.B.), special troops of the Ministry of Internal Affairs (M.V.D.), and the regular Soviet armed forces, which maintain a significant presence in Latvia, take orders from authorities in Moscow. Although K.G.B. surveillance of political and human rights activists is assumed to continue, there were few reports of human rights violations in 1989.

The standard of living in Latvia is higher than the Soviet average, but the margin is shrinking. Latvians resent the fact that much of their national income is transferred to other republics and that most major economic enterprises are controlled by central ministries in Moscow. They are also concerned about a continuing decline in the quality and quantity of food and consumer items. In July the Latvian Supreme Soviet adopted a plan for transition to economic autonomy to commence January 1, 1990. The U.S.S.R. Supreme Soviet in November voted to grant Latvia control over its land, resources, banks, and a portion of state-run industry.

The human rights situation in Latvia continued to improve in 1989. The authorities tolerated public expression of Latvian national sentiment and independent political views which previously would have been repressed. For the first time since annexation by the Soviet Union, relatively free elections were held for representatives to the U.S.S.R. Congress of People's Deputies and local government councils (soviets). Most successful candidates were supported by the Latvian Popular Front, which declared at its second congress in October that its goal is an independent Latvian state. The Latvian Supreme Soviet on December 28 voted to repeal the constitutional provision giving the communist party the leading role in Latvia. Limited progress was made, both in Latvia and the Soviet Union, toward legislative reforms that would help to institutionalize human rights improvements.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known cases of political or other extrajudicial killing in 1989.

b. Disappearance

There were no known instances of permanent or prolonged disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In Latvia, as in the Soviet Union, harsh treatment of prisoners occurs during both interrogation and confinement in labor camps, prisons, or psychiatric hospitals. Physical and psychological abuse, as well as extremely unhealthful conditions, are common. Latvians remained concerned in 1989 about allegations that Latvian youths are subjected to brutal and degrading treatment in the Soviet armed forces, leading in some cases to physical injuries, psychological trauma, and even suicide.

d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written so broadly that many people have been imprisoned for trying to exercise their basic human rights. In 1989, however, the authorities in Latvia rarely used these laws to arrest political activists.

In one exceptional case, several picketers were detained in Riga in March for violating rules on holding demonstrations and meetings. The detentions led to an outcry of protest from Latvian activists, and the picketers were soon released.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Despite provisions for judicial impartiality in both the Latvian and Soviet Constitutions, the State retains the ability to control the judicial process and arbitrarily determine the outcome of trials. Nominal safeguards, such as the right to a public trial and to a defense attorney, are not sufficient to guarantee fair trials when the accused are charged with political crimes. One law was passed by the U.S.S.R. Supreme Soviet to increase the independence of the judiciary. Other reforms to strengthen the rights of defendants have been proposed but not yet enacted. There were no known trials on purely political charges in 1989, and at year's end no Latvians were known to be in prison for purely political reasons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government continued to interfere in personal life through the use of informers, monitoring of mail and telephones, and surveillance. Security police in 1989 did little, however, to intimidate Latvians or to hinder the rapid growth of social

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and political activism. Advocates of Latvian independence reported that overt surveillance of their movements declined in 1989. Contacts between Latvians and foreign visitors continued to be monitored, but at the same time the authorities facilitated a very considerable increase in such contacts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Soviet Constitution provides for most internationally accepted political liberties on condition that their exercise does not run counter to the interests of the working class. In Latvia this notion continued to be interpreted more liberally in 1989 than it had been in early 1988. In addition, the Latvian Constitution was amended in 1988 to include the provisions of the International Covenant on Civil and Political Rights, as well as other internationally recognized human rights instruments, as "an inseparable part of the legal system."

Freedom of speech was widely respected in 1989. The authorities tolerated criticism of Soviet officials, demands for independence, and calls for the immediate withdrawal of Soviet "occupation" troops from Latvia.

The range of subjects covered by official Latvian media continued to grow. Print and electronic media highlighted the 50th anniversary of the Molotov-Ribbentrop Nonaggression Pact between the Soviet Union and Nazi Germany, together with the secret protocols that became the basis for the Soviet occupation and annexation of the three Baltic states. The Pact and protocols were reprinted in 1989 and widely circulated in the Latvian press, which also provided extensive commentary on the Soviet Union's 1940 occupation.

The Latvian media gave wide coverage to political campaigning in the elections for the U.S.S.R. Congress of People's Deputies and the December 10 local elections. They routinely presented the views of Baltic deputies to the Soviet Parliament, even when these views sharply contradicted those of the political leadership in Moscow. The media did not shy away, for example, from publicizing deputies' calls for the repeal of article 6 of the Soviet Constitution, which enshrines the leading role of the Communist Party in virtually all aspects of Soviet life. On December 28, the Latvian Supreme Soviet voted to remove mention of the leading role of the Communist Party in Latvia from the Latvian Constitution. Articles advocating the reestablishment of Latvian independence appeared in numerous publications. Official censorship was apparently used only to prevent the publication of military information that the Government considered (on grounds of alleged secrecy) too sensitive for public release.

Although most publications remain under the formal control of the Communist Party, independent journals are produced legally in Latvia by such organizations as the Latvian Popular Front, whose journal *Atmoda* claims a circulation of 165,000. Unauthorized publications (*samizdat*) were also produced and distributed without hindrance from the authorities. The opinions in such publications are increasingly expressed in the official press as well. A new draft press law, now under consideration by the U.S.S.R. Supreme Soviet, may ease restrictions on the right to publish such journals.

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b. Freedom of Peaceful Assembly and Association

The peaceful assembly of citizens is controlled by the authorities, who retain the power to prohibit public gatherings. Soviet guidelines on demonstrations and meetings are contained in a 1988 decree confirmed by the U.S.S.R. Supreme Soviet, but the Latvian Supreme Soviet adopted a more liberal version in 1989.

In practice, Latvians held frequent mass meetings and demonstrations, largely without hindrance from the authorities. Many such meetings took place on the anniversaries of historical events, the commemoration of which had been repressed in previous years. Leading Latvian Communist Party and government officials participated, along with Popular Front leaders, in public ceremonies attended by thousands of people, such as the March 25 remembrance of Latvians deported to Siberia in 1941. Hundreds of thousands of Latvians joined hands August 23 in a human chain that extended through Estonia and Lithuania as a sign of protest marking the 50th anniversary of the signing of the Molotov-Ribbentrop Pact. Participants included members of the Latvian Popular Front and many other nonofficial organizations (e.g., the Latvian National Independence Movement) as well as leaders of the Latvian Communist Party and Government. An estimated 500,000 people participated in a peaceful rally in Riga on November 18, the independence day of the interwar Latvian Republic, which was celebrated in Latvia as a legal holiday for the first time since 1939.

The Latvian Constitution formally provides for the right to associate in public organizations, but this right has been circumscribed in the past by proscriptive laws and repressive practice. Throughout 1989, however, the authorities acquiesced in the rapid growth of both registered and unregistered clubs, professional associations, and other popularly based organizations. There were no reports of significant harassment against any of these groups.

A coalition of organizations, including the Latvian National Independence Movement and the human rights group Helsinki-86, undertook in 1989 to form Latvian Citizens' Committees and eventually to convene a Latvian Citizens' Congress. Latvian citizens were defined as persons who had been citizens of the Latvian Republic in 1940 and their descendants, as well as others who were committed to the independence of Latvia. Despite an official ban by the authorities, who feared that the Citizens' Committees would represent a form of parallel political power, well over 700,000 persons had registered without hindrance by late 1989.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Soviet Constitution provides for the right to profess, or not to profess, any religion. Both the party and Government, however, while promoting atheism continued to improve their relations with organized religion in 1989. Christmas was again celebrated as an officially sanctioned holiday (official recognition came only in 1988), and religious services were sometimes shown on television. High-level Latvian political leaders held widely publicized meetings with leaders of local religious communities, and there were no reports of significant

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church-state conflicts. State control of religion nevertheless continued to be formally governed by repressive 1929 Soviet legislation, as neither the U.S.S.R. nor Latvian Supreme Soviet adopted a new law to guarantee freedom of conscience.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor fully respected in practice, although Soviet officials have publicly pledged to bring their legislation into conformity with international standards. The right to emigrate by choice is not recognized by Soviet law, and persons wishing to leave temporarily are generally required to present an invitation from abroad. Some Soviet Jews in Latvia were denied permission to emigrate in previous years, but the upsurge in Soviet Jewish emigration has had a positive effect on Jewish emigration from Latvia as well.

Although travel abroad is limited by restrictive legislation and arbitrary enforcement, bureaucratic procedures are considerably less cumbersome in Latvia than in the Soviet Union as a whole. For the second consecutive year, there was a dramatic increase in the number of Latvians visiting the United States and other Western countries, including leading figures in the Popular Front and groups favoring immediate Latvian independence.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Until 1989 the peoples of Latvia and the Soviet Union had not been free to change government leaders or the system of government. For the first time in postwar Latvian history, however, representatives to the U.S.S.R. Congress of People's Deputies (the federal legislature) and to Latvia's local government councils were chosen by secret ballot on the basis of universal suffrage in relatively free multicandidate elections, in which over 70 percent of eligible voters participated.

As in the other Baltic states, alternative parties could not formally participate in the Latvian elections, but nominating procedures were sufficiently flexible to permit nomination of candidates from a wide political spectrum. There was no evidence of manipulating the registration process against opponents of the existing regime. Most successful candidates campaigned with the active support of the Latvian Popular Front, which was able to nominate candidates on its own authority in the local elections. Latvian Popular Front representatives won 26 of 34 contested seats. In heavily Russian districts, however, successful candidates included conservative party leaders.

Helsinki-86 and some other proindependence groups refused to take part in elections to fill seats in the legislature of an "occupying power," but some leaders of the Latvian National Independence Movement did participate. They gained significant media coverage but were not successful in defeating the First Secretary of the Communist Party, as they had hoped.

Elections to the Latvian Supreme Soviet are scheduled for March 18, 1990.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government has adopted a more forthcoming approach to foreign criticism of its human rights record in recent years, acknowledging that human rights are a legitimate subject of official diplomatic contacts. Although there were few allegations of human rights violations in Latvia in 1989, the Latvian Government generally welcomed foreign and nongovernmental observers on any subject.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of race, sex, or other grounds is prohibited by the U.S.S.R. Constitution. Tensions between ethnic Latvians and Russians are always near the surface, however. A low Latvian birthrate and an official policy of encouraging ethnic Russian settlement in Latvia has lowered the ethnic Latvian proportion of the population to approximately 52 percent. In 1989 these tensions were expressed in heated debates over a number of issues. Ethnic Latvians continued to complain that they could not always conduct business in their own language, that immigrants from the Soviet Union receive favored treatment in the provision of housing and other social services, and that nonresidents frequently visited Latvia in order to shop in the Republic's relatively well-stocked stores.

The Latvian Supreme Soviet adopted a detailed language law requiring that people holding certain specified management and service positions be bilingual and providing Latvian language training for those incumbents who are not. Regulations were issued to prevent nonresidents of Latvia from purchasing goods which are in short supply, and economic measures to control immigration were adopted in 1989. Work also continued on a law to define the criteria for Latvian citizenship.

Ethnic Russian and other Russian-speaking residents of Latvia were generally concerned by the Latvian language law and proposals for a citizenship law, fearing that they could be disenfranchised or in some other way converted into second-class citizens.

While major ethnic tensions in Latvia divide the Latvian and Russian populations, most ethnic groups, including Russians, have formed officially recognized cultural societies which work closely with the Latvian Popular Front on proposals to enhance their cultural autonomy.

Over the past 10 years, discrimination and persecution has been directed against Latvians who sought to express their national and cultural identity, against independent political and religious activists, and against Jews and Pentecostals wishing to leave the country.

Women nominally enjoy the same legal rights as men. Under the Constitution, they are accorded the right to participate as equals in all spheres of Soviet life. An extensive system of day-care service and maternity benefits assists women in obtaining and retaining jobs. Equal pay for men and women in the same job has been the rule since World War II.

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Latvian statistics on the problem of violence against women, including wife beating, are unavailable. The official Soviet press in 1989 discussed the issue, and the Council of Ministers established a special branch (headed by a woman) to study the problems of women. Human rights and women's rights groups in Latvia are aware of the issue but have focused their efforts thus far on the broader question of independence and freedom.

Section 6 Worker Rights

a. The Right of Association

Soviet labor law and practice have generally been enforced in Latvia. There has been no right of association as defined by the International Labor Organization. Although the Constitution grants Soviet citizens the right to form trade unions, attempts to exercise this right independently of the state-controlled union had always been repressed. New professional associations with no ties to Moscow and an independent "Latvian Workers' Union" were created in 1989, but it is not yet clear whether they will effectively exercise trade union functions.

The Latvian press reported a few brief strikes. There were no reports of repressive actions against strikers in 1989.

b. The Right to Organize and Bargain Collectively

Legislation governing collective bargaining and organizing is pending in the U.S.S.R. Supreme Soviet. To date, workers in Latvia generally have not been able to organize or resort to collective bargaining. There are no economic incentive zones. Virtually all workers in the Soviet Union automatically become members of an affiliate of the official Soviet trade union organization, the All-Union Central Council of Trade Unions, in order to be entitled to government social welfare benefits.

c. Prohibition of Forced or Compulsory Labor

Soviet law contains no prohibition on forced or compulsory labor. Most prisoners are confined to camps where they are forced to labor, often under harsh and degrading conditions.

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children is 16. There is no indication of widespread violations of this norm.

e. Acceptable Conditions of Work

Labor conditions are similar to those in the Soviet Union. According to the Soviet State Statistical Committee, the average monthly wage in Latvia for blue- and white-collar workers in September 1989 was \$410 and for collective farm workers \$402 at the official exchange rate. The minimum monthly wage in the U.S.S.R. was \$140. (The ruble is not a convertible currency, and its value here in terms of the U.S. dollar does not represent actual purchasing power for international purposes.)

The average workweek is 40 hours for most white-collar workers and 41 hours for most blue-collar workers. Soviet law establishes minimum conditions of health and safety. Press reports suggest, however, that the laws on maximum hours of work and health and safety standards are widely ignored.

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Lithuania, the largest of the three Baltic states, was an independent state between the two World Wars. It was forcibly annexed by the Soviet Union in 1940 as a constituent republic of the Union of Soviet Socialist Republics (U.S.S.R.). The United States does not recognize the forcible incorporation of Lithuania into the U.S.S.R.

Like the other Baltic states, Lithuania has generally been subjected to the same centralized rule, the same constitution and judicial system, and the same restrictions on civil and political liberties as in the Soviet Union. Political power has been exercised by the leadership of the Communist Party of the Soviet Union, which tightly controlled the activities of local government and Communist Party structures in Lithuania. Since 1988 Lithuanians have taken advantage of liberalization in the Soviet Union to seize greater control over their own affairs. Responding to mass public pressure demanding political democracy and respect for human rights, the Lithuanian Supreme Soviet (parliament) adopted a "Declaration of State Sovereignty" and constitutional amendments in May 1989, declaring that its laws superseded those of the U.S.S.R. Supreme Soviet. In response to both the Lithuanian declaration and related developments in other Republics, the U.S.S.R. Supreme Soviet Presidium voted on November 10 to instruct all 15 Republic Supreme Soviets to bring their laws into conformity with all-Union law and the Soviet Constitution. By year's end, however, no action had been taken to enforce this declaration.

A commission of the Lithuanian Supreme Soviet approved a report which characterized the 1940 incorporation of Lithuania into the Soviet Union as illegal. The Supreme Soviet also repealed the constitutional provision which provided for the "leading role" of the Communist Party, paving the way for a multiparty political system, and the Lithuanian Communist Party declared itself to be independent of the Communist Party of the Soviet Union. Two competing political parties, the independent Lithuanian Communist Party and the Lithuanian Democratic Party, were officially registered by year's end.

The primary law enforcement organization in Lithuania is the militia (police), the officers of which are predominantly Lithuanian. The powerful Committee for State Security (K.G.B.), special troops of the Ministry of Internal Affairs (M.V.D.), and the regular Soviet armed forces, which maintain a significant presence in Lithuania, can be assumed to take orders from authorities in Moscow. Although K.G.B. surveillance continues, there were few reports of human rights violations in 1989 by the security and military apparatus.

The standard of living in Lithuania is higher than the Soviet average, but the margin is shrinking. Lithuanians resent the fact that much of the national income they create is transferred to other republics and that most major economic enterprises are controlled by central ministries in Moscow. They also complain about a continuing decline in the quality and quantity of food supplies and consumer goods. In May the Lithuanian Supreme Soviet adopted a plan for a transition to economic autonomy to begin on January 1, 1990, with future relations between the Lithuanian and Soviet economies to be based upon mutually acceptable agreements. The U.S.S.R. Supreme Soviet in November voted to grant Lithuania control over its land, resources, banks, and a portion of state-run industries.

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The human rights situation in Lithuania improved markedly for the second year in a row in 1989. As in the latter part of 1988, the authorities tolerated public expressions of Lithuanian national sentiment and independent political views which previously had been repressed. For the first time since annexation by the Soviet Union, relatively free multicandidate elections to the U.S.S.R. Congress of People's Deputies were held. The Lithuanian Popular Front, Sajudis, a mass, prodemocratic organization, swept the elections after declaring that its goal is to restore the independence of Lithuania. Limited progress was made, both in Lithuania and the Soviet Union, toward legislative reforms that would serve to institutionalize human rights improvements.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known cases of such killings in 1989.

b. Disappearance

There were no known instances of permanent or prolonged disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In Lithuania, as in the Soviet Union, harsh treatment of prisoners occurs during both interrogation and confinement in labor camps, prisons, or psychiatric hospitals. Physical and psychological abuse of prisoners, as well as detention under extremely unhealthful conditions, are common. Lithuanians remained concerned in 1989 about allegations that Lithuanian youths are subjected to brutal and degrading treatment in the Soviet armed forces, leading in some cases to physical injuries, psychological trauma, and even suicide.

d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written and interpreted so broadly that persons may be arrested and convicted for trying to exercise their basic human rights. During 1989, however, the authorities in Lithuania did not use these laws to arrest political activists.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Lithuanian Communist Party and Government in the past frequently subverted constitutional provisions for the objectivity and independence of the judicial process. Procedural safeguards, such as the right to a public trial and to a defense attorney, are generally respected but are not sufficient to guarantee fair trials. Reforms to strengthen the rights of defendants have been proposed but were not implemented in 1989. There were no known trials on purely political charges in 1989, and no Lithuanians were known to be imprisoned for purely political reasons at year's end. Many Lithuanians were juridically rehabilitated in 1989 following

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judicial review of cases in which they had been convicted on political charges in previous years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the use of informers, monitoring of telephones and mail, surveillance, and other means, government authorities have the ability to interfere in every aspect of personal life. Constitutional provisions to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. The security apparatus did little, however, to intimidate Lithuanians or to hinder the virtual explosion of social and political activism which began in 1988 and continued in 1989. Advocates of Lithuanian independence reported that obvious surveillance of their movements declined in 1989. Contacts between Lithuanians and visitors from foreign countries continued to be monitored, but the authorities facilitated a very considerable increase in such contacts during 1989. Although many Lithuanians continued to assume that telephones and mail were monitored, they exhibited little fear of using them to express their views.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Soviet Constitution provides for most internationally accepted political liberties on condition that their exercise does not threaten the security of the Socialist system. In previous years, the authorities had interpreted all such constitutional guarantees to fit the convenience of the State. Vague Soviet laws prohibiting "anti-Soviet agitation and propaganda" and "anti-Soviet slander," which had frequently been used in previous years to punish Lithuanian political and religious activists, were replaced in 1989 by a more limited provision which specifically prohibits calls for the "violent overthrow" of the Soviet system.

In 1989 freedom of speech was widely respected. The authorities tolerated public expression of virtually any viewpoint, including criticism of Soviet officials and support for total Lithuanian independence. Approximately 1.6 million Lithuanians signed a petition which called for the withdrawal of Soviet "occupation" troops from Lithuania. In the fall over 1,000 young Lithuanians tore and burned their draft letters to underscore their refusal to serve a 2-year conscription term based on a provision of the Geneva agreement of 1949 that an occupying army may not forcibly conscript the men of the occupied territories. Display of Lithuanian national symbols, such as the prewar flag, which had been repressed until mid-1988, was extremely widespread and officially sanctioned in 1989.

The range of subjects covered by official Lithuanian television, radio, and publications continued to expand in 1989. Print and electronic media devoted considerable attention to the 50th anniversary of the Molotov-Ribbentrop Nonaggression Pact between the Soviet Union and Nazi Germany, together with the secret protocols that became the basis for the Soviet occupation and annexation of the three Baltic states. The Pact and the protocols were widely republished by Lithuanian papers, which also extensively described the Soviet Union's 1940 occupation.

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Lithuanian media provided extensive information about the positions of candidates in the spring elections for the U.S.S.R. Congress of People's Deputies, and they regularly reported on the views of the Baltic deputies to the Soviet parliament. These views frequently differed from those of the political leadership in Moscow. The Central Committee of the Soviet Communist Party issued a harshly critical statement on August 26 about the Baltic opposition movement's failure to curb "extremist" and "separatist" forces. Nevertheless, the Lithuanian Supreme Soviet on December 4 voted to replace the provision in its Constitution which provided for the "leading role" of the Communist Party with one legalizing political parties and organizations.

While self-censorship was exercised in varying degrees by individual editors and journalists, no political subject remained off-limits in 1989. Articles advocating the reestablishment of Lithuanian independence appeared regularly in state-supported publications. Official censorship was apparently used only to prevent the publication of such "state secrets" as operational military information.

Despite the open nature of the Lithuanian press, most publications remained under the formal control of the Communist Party or other official organizations. Dozens of independent publications were also produced legally by Sajudis and some other nonofficial organizations. Unauthorized (samizdat) publications appeared without hindrance from the authorities, but the opinions in such publications were increasingly available in the official press.

In Kaunas a university has been established which is independent from Republic or all-Union educational ministries, and the Republic's Academy of Sciences is urging complete independence from Moscow.

b. Freedom of Peaceful Assembly and Association

The peaceful assembly of citizens is controlled by the authorities, who retain the power to prohibit public gatherings. Soviet guidelines on demonstrations and meetings are contained in a 1988 decree confirmed by the U.S.S.R. Supreme Soviet.

In practice, the people of Lithuania were allowed to hold mass meetings and demonstrations without hindrance from the authorities in 1989. Many of these meetings took place on the anniversaries of historical events, commemoration of which had been repressed as recently as 2 years ago.

The Presidium of the Lithuanian Supreme Soviet declared that February 16, the independence day of the interwar Lithuanian Republic, should be officially commemorated as the "Day of Restoration of Lithuanian Statehood." Lithuanian Communist Party and government leaders participated along with the representatives of Sajudis and the Lithuanian Liberty League and religious leaders in public ceremonies attended by tens of thousands of people to mark the event.

Hundreds of thousands of Lithuanians joined hands with Latvians, Estonians, and others on August 23 in a 2-million-person chain that extended from Tallinn, Estonia, through Riga, Latvia, to Vilnius, Lithuania, as a sign of protest marking the 50th anniversary of the Molotov-Ribbentrop Pact.

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The Lithuanian Constitution provides for the right to associate in public organizations, but this right had been limited in previous years by legislation and repressive practices. While continuing to exercise a measure of control over mass organizations associated with the Communist Party, the authorities have acquiesced in the rapid growth of Sajudis as well as many other independent clubs, professional associations, and organizations which refer to themselves as "political parties." There were no reports of significant harassment against any of these groups. Even the official Communist youth organization, the Komsomol, decided in June to break all its official ties to the central Komsomol organization in Moscow. The Lithuanian Communist Party in December declared itself independent of the Communist Party of the Soviet Union. An emergency session of the Communist Party of the Soviet Union (CPSU) Central Committee plenum met in December to discuss Moscow's reaction to the Lithuanian Communist Party vote. As 1989 closed, the CPSU Central Committee plenum had decided to send a high-level delegation to Lithuania in early 1990, but further action was not taken.

For a discussion of freedom of association as it applies to labor Unions, see Section 6.a.

c. Freedom of Religion

Although the Soviet Constitution provides for the right to profess, or not to profess, any religion, both the party and Government promote atheism. The authorities continued to improve their relations with organized religion in 1989. Christmas was celebrated as an officially sanctioned holiday for the second consecutive year, and All Saints' Day was also celebrated for the second time since 1940. The Lithuanian Catholic Church began to publish a monthly journal on official printing presses, and religious television programming began to be shown on a regular weekly basis. The Lithuanian Catholic Church also gained greater control over the selection, training, and appointment of priests, which had previously been the subject of considerable government interference. Top Lithuanian political leaders held highly publicized meetings with leaders of the Republic's religious communities. Some church property, including churches, chapels, and monasteries, has been returned to the church. A second seminary was allowed to open.

State control of religion nevertheless continued to be formally governed by repressive 1929 Soviet legislation, as the U.S.S.R. Supreme Soviet has not yet adopted a new law to guarantee freedom of conscience. The Lithuanian Supreme Soviet, however, in November amended its Constitution to guarantee freedom of thought, profession of religion, and the independence of church organizations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor fully respected in practice, although Soviet officials have publicly pledged to bring their legislation into conformity with international standards. The right to emigrate by choice is not recognized by Soviet law, and persons wishing to leave temporarily are generally required to present an invitation from abroad. Many Soviet Jews in Lithuania were denied permission to emigrate in previous years, but the upsurge in Soviet Jewish emigration has had a positive effect on Jewish

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emigration from Lithuania as well.

Although travel abroad is limited by restrictive legislation and arbitrary enforcement, bureaucratic procedures are considerably less cumbersome in Lithuania than in the Soviet Union as a whole. For the second consecutive year, there was a dramatic increase in the number of Lithuanians visiting the United States and other Western countries in 1989. Leading figures in all the main political movements, including Sajudis and other groups favoring Lithuanian independence, visited Western countries to present their views.

The number of visits by Lithuanian-Americans, other emigres and persons of Lithuanian background to Lithuania rose dramatically for the second consecutive year, with many visitors permitted to travel to areas formally "closed" to foreigners, although some Lithuanian-Americans have still been denied visas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Until 1989 the peoples of Lithuania and the Soviet Union had not been free to change government leaders or the system of government. For the first time in postwar Lithuanian history, however, representatives to the U.S.S.R. Congress of People's Deputies (the all-Union legislature) were chosen in 1989 by secret ballot, on the basis of universal suffrage, in relatively free multicandidate elections.

Although alternative parties could not formally participate in the Lithuanian elections, nominating procedures were sufficiently flexible to permit nomination of candidates with a very broad range of political views. In Lithuania, unlike many areas of the Soviet Union, there was no apparent manipulation of the candidate registration process to exclude "troublesome" candidates from the ballot. Of 42 seats, 36 were won by candidates, including some Communists, endorsed by Sajudis, and the remaining 6 were retained by Communist Party leaders. While many Communist Party leaders were elected or reelected to their posts, others--including the Chairman of the Presidium of the Supreme Soviet of Lithuania--were defeated. Most successful candidates campaigned with the active support of Sajudis, which voluntarily withdrew its front-running candidates to allow the election of the party's two top leaders.

The spring elections to the U.S.S.R.'s legislature were boycotted by the Lithuanian Liberty League and some other proindependence organizations, which opposed participation in elections to the legislature of Lithuania's "occupying power." Participation in the elections was nevertheless very high--over 80 percent. Although the Lithuanian Parliament and Government were not democratically elected, in 1989 they were frequently responsive to the sentiments of popular movements and the general public. Draft laws were circulated and amended on the basis of public debate, parliamentarians frequently voted on the basis of their constituents' expressed interests, and the agenda for government action was heavily influenced by Sajudis, a leader of which--Kazimiera Prunskiene--was appointed as a Deputy Prime Minister in 1989. A commission of the Supreme Soviet condemned the Molotov-Ribbentrop Pact and characterized the Republic's incorporation into the Soviet Union in 1940 as illegal.

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Multicandidate elections to the Lithuanian Supreme Soviet were scheduled to be held on February 24, 1990.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government has adopted a more forthcoming approach to foreign criticism of its human rights record in recent years, acknowledging that human rights are a legitimate subject of official diplomatic intercourse. Although there were few allegations of human rights violations in Lithuania in 1989, the Lithuanian Government generally welcomed foreign and nongovernmental observers on any subject. Its decision to allow eight Lithuanian-American activists to visit Lithuania for the February 16 Independence Day ceremonies, however, was apparently overruled by Moscow, and their visa applications were denied. At the end of 1989, a subsequent application by a member of this group was again denied, as were the applications of other American activists.

The Government did not interfere with the activities of various independent human rights groups in Lithuania, including those led by such former political prisoners as Helsinki Final Act monitor Viktoras Petkus. The last person regarded by most of these groups as a Lithuanian political prisoner, Boleslavas Liziunas, was pardoned and freed in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of race, sex, or other grounds is prohibited in the Constitution. The relative homogeneity of Lithuania's population, its strong sense of national identity, and the binding force of the Lithuanian Catholic Church have helped to preserve many of the country's social and cultural traditions. Nevertheless, the disruptive effects of an antireligious ideology, forced collectivization, and a policy of industrialization have been severe. Lithuanians complain that immigrants from the Soviet Union receive favored treatment in the provision of housing and other social services and that nonresidents frequently visit Lithuania in order to shop in the Republic's stores.

Regulations were issued to prevent nonresidents of Lithuania from purchasing goods which are in short supply, and economic measures to discourage immigration were adopted by major Lithuanian cities in 1989. The Lithuanian Supreme Soviet adopted a law granting Lithuanian citizenship to virtually all permanent residents of the Republic, while providing stringent requirements for new immigrants to become citizens.

Among non-Lithuanian residents of Lithuania, about 20 percent of the population (mostly Poles and Russians), there has been some concern about the rise of Lithuanian nationalist sentiment in 1988 and 1989. Some non-Lithuanians formed organizations known as "Yedinstvo" (Unity) and the "Committee to Defend Soviet Power," ostensibly to oppose discriminatory and separatist tendencies among Lithuanians. Members of these groups claimed, for example, that a newly adopted Lithuanian language law was discriminatory against residents of Russian and Polish background.

Local government councils of two predominantly Polish districts in Lithuania declared themselves to be "autonomous"

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in 1989. This step was criticized and rejected by the central Lithuanian authorities.

Most ethnic groups have formed officially recognized cultural societies which work closely with Sajudis on proposals to enhance their cultural autonomy. A law to protect the rights of national minorities was adopted by the Lithuanian Supreme Soviet in November.

Over the past 10 years, discrimination and persecution has been directed against Lithuanians who sought to express their national and cultural identity, against independent political and religious activists, and against Jews and Pentecostals wishing to leave the country.

Women nominally enjoy the same legal rights as men, and an extensive system of day-care service and maternity benefits assists women in obtaining and retaining jobs.

Lithuanian statistics on the problem of violence against women, including wife beating, are unavailable. The official Soviet press in 1989 discussed the issue, and the Soviet Council of Ministers established a special branch (headed by a woman) to study the problems of women. Human rights and women's rights groups in Lithuania are aware of the issue but have focused their efforts thus far on the broader question of independence and freedom.

Section 6 Worker Rights

a. The Right of Association

Soviet labor law and practice has generally been enforced in Lithuania. There has been no right of association as defined by the International Labor Organization. Although the Constitution grants Soviet citizens the right to form trade unions, attempts to exercise this right independently of the state-controlled union had always been repressed. New professional associations and an independent "Lithuanian Workers' Union" with close ties to Sajudis were created in 1989, but it is not yet clear whether they will effectively exercise trade union functions.

Soviet authorities permitted the travel to the United States of a member of the Soviet Congress of People's Deputies, who is the leader of an independent union in Lithuania, in order to attend the convention of the American Federation of Labor and Congress of Industrial Organizations.

A few brief strikes were reported in the Lithuanian press in 1989. There were no reports of repression against strikers.

b. The Right to Organize and Bargain Collectively

Workers in Lithuania have not generally been able to organize or resort to collective bargaining. There are no economic incentive zones or special industries in which labor standards differ from those elsewhere in Lithuania. Virtually all workers in the Soviet Union automatically become members of an affiliate of the official trade union organization, the All-Union Central Council of Trade Unions, in order to be entitled to government social welfare benefits.

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c. Prohibition of Forced or Compulsory Labor

Soviet law contains no prohibition on forced and compulsory labor. Most prisoners are confined to camps where they are forced to labor, often under harsh and degrading conditions.

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children is 16. There is no indication of widespread violations of this norm.

e. Acceptable Conditions of Work

Labor conditions in Lithuania are similar to those in the Soviet Union. According to the Soviet State Statistical Committee, the average monthly wage in Lithuania for blue- and white-collar workers in September 1989 was \$396 and for collective farm workers \$282 at the official exchange rate. The minimum monthly wage in the U.S.S.R. was \$140. (The ruble is not a convertible currency, and its value here in terms of the U.S. dollar does not represent actual purchasing power for international purposes.)

The average workweek is 40 hours for most white-collar workers and 41 hours for most blue-collar workers. Soviet law establishes minimum conditions of health and safety. Press reports suggest, however, that the laws on maximum hours of work and health and safety standards are widely ignored.

LUXEMBOURG

Luxembourg is a constitutional monarchy and parliamentary democracy. The Grand Duke is the Chief of State, but his duties are mostly ceremonial. Real power rests with the 12-member Government, headed by the Prime Minister and responsible to Parliament, which receives its authority through free and fair elections.

The police and gendarmerie maintain internal order. Both organizations are under the control of the Government and respect human rights. The country is free from strife, and residents enjoy fair and efficient judicial and penal systems.

The Grand Duchy is a highly developed, industrialized state with a free enterprise economic system and a high standard of living.

Luxembourg continued its commitment to human rights in 1989. Individual human rights are ensured by the Constitution and protected in practice, and Luxembourg actively promotes human rights internationally. It continues efforts to treat its relatively large foreign population fairly and to engage labor unions in the industrial decisionmaking process.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

Politically motivated killings did not occur.

b. Disappearance

There were no known abductions or hostage-taking cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law and does not occur.

d. Arbitrary Arrest, Detention, or Exile

Due process is provided by law and observed in practice. Luxembourg law is a composite of local practice, legal tradition, and foreign systems--French, Belgian, and German. Except in cases of hot pursuit, a warrant must be obtained from the judiciary before an arrest may be made. Any person detained by the authorities must be charged and appear before a judge no later than 24 hours after arrest. Immediate access to a lawyer of one's own choosing is accorded by law. No one is held incommunicado. Bail may be granted, depending on the circumstances. Preventive detention does not exist, but persons may be incarcerated pending trial, if so ordered by a judge. Exile is not imposed.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Luxembourg's judiciary is independent and free from executive or military interference. Due process is ensured. Military courts exist, but civilians are not subject to their jurisdiction. The right of defendants to have legal counsel, at public expense if necessary, is assured. Charges are

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formally and clearly stated. Defendants have the right to be tried in public, to confront witnesses, and to present evidence. They are presumed innocent until proven guilty. Verdicts may be appealed by either the defendant or the State. An appeal results in a completely new judicial hearing, and sentences may be increased as well as reduced. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Luxembourg law and customs are based on regard for personal freedom. The State, political organizations, and other entities do not arbitrarily intrude into the private lives of Luxembourg residents. Police must have a warrant, issued by the judiciary, to enter a private home. Statutes prohibit other violations of the home such as demolition, and the sealing of doors and windows. Wiretaps are not legal.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, which is respected in practice. Except for restrictions on pornography, there is no censorship of the media. The broadcast industry is privately owned, except 4 percent which is indirectly controlled by the French Government. The industry operates independently from the Luxembourg Government. The print media are privately owned and controlled. Academic freedom is respected.

While not limiting free speech, a rarely used law contains a provision which may reduce public debate on a given issue. It provides that a law may be promulgated by the Grand Duke after certain bodies (the Chamber of Commerce, the Council of State--a parliamentary consultative body made up of representatives of all elements of Luxembourg society--and the appropriate committee of the Chamber of Deputies) have given their opinions on a report which has been submitted by the relevant minister(s) and approved by the Cabinet. This procedure avoids a parliamentary debate and was used in 1989 to pass a law clarifying bank secrecy.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is assured constitutionally and respected in practice. There are no limitations on orderly public meetings. All groups enjoy the right of free assembly, and permits are routinely issued when required.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion in Luxembourg, and one may freely practice the religion of one's choice, including: maintaining places of worship, training clergy, publishing religious material, providing religious education, and participating in charitable activities. Statistically, 90 percent of the residents are Roman Catholics.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country (including changing residence or workplace), foreign travel, or emigration and repatriation. Refugees are treated fairly, and they are not forced to return to countries in which they fear they would be persecuted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The citizens of Luxembourg have the right and ability to change their government peacefully. All Luxembourg citizens 18 years of age and older may participate in national elections, held every 5 years, and in local elections, held every 6 years. Voting is by secret ballot with multiple candidates for most positions. Luxembourg's large foreign population (26 percent) does not have the right to vote, but it may exert considerable influence on the political process indirectly by joining labor unions or other organizations. Representative bodies, including Parliament, are free to debate and vote against the Government. Opposition groups, including political parties, function openly and freely, without fear of government repression.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no requests for the investigation of human rights abuses.

Luxembourg has consistently supported international and nongovernmental investigation of alleged human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination based on the above factors is prohibited by law. Adequate food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

Equal pay for equal work is mandated by law. Women and men enjoy the same property rights. Property acquired during a marriage is divided equally upon dissolution of the marriage, unless a prenuptial agreement exists which stipulates how property is to be divided. Family members are protected by law.

Violence against women is not widespread, and it is not tolerated by the Government. Wife beating is prohibited by law. Several women's rights groups are active in Luxembourg, including those which aid battered women.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely, choose their own representatives, publicize views, and determine their programs. Slightly more than 50 percent of the labor force is unionized. Membership is not mandatory. The two largest

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industrial unions are linked to, but organized independently of, Luxembourg's Socialist Party and Christian Social Party. With the exception of government workers who provide essential services, all workers have the right to strike. Government workers who may legally strike must observe certain conditions, such as a cooling off period, before implementing their action. Strikes are rare, however, and there were none in 1989.

Unions are free from government interference and maintain unrestricted contact with international bodies in their fields. Luxembourg unions maintain affiliation with the European Trade Union Confederation and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution ensures freedom of union activity and protects union leaders and members from discrimination. Unions have the right to organize and bargain collectively on behalf of their members, and this right is applied uniformly throughout the country. Worker representatives are required in all businesses of 15 or more employees. In businesses with over 150 employees, 50 percent of the joint works councils are elected by the employees. In businesses with more than 1,000 employees, one-third of the membership of the boards of directors must be employees or their elected representatives. An effective system exists to hear and adjudicate employment-related complaints.

There are no export processing zones, and labor law and practice apply uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not exist in practice.

d. Minimum Age for Employment of Children

The employment of children under the age of 15 is prohibited. Children are required by law to remain in school until they are 16 years old. Child labor and education laws are strictly enforced. Adolescent workers (ages 15 to 17) are provided special protection by law, such as limiting overtime and specifying the number of hours which may be worked continuously.

e. Acceptable Conditions of Work

Luxembourg's health and safety standards are among the highest in the world. A safe working environment is mandated by law and enforced throughout the country by a stringent inspection system, which may impose severe penalties. Pregnant women who work receive special consideration in the workplace. The normal workweek is 40 hours, spread over 5 days. Premium pay is required for work outside the normal workweek. Work on Sunday is generally prohibited, except in certain circumstances, such as continuous process industries (steel and chemical), and for certain workers such as maintenance and security personnel. All workers receive a minimum of 5 weeks of paid vacation a year, in addition to paid holidays. The minimum wage is \$4.50 per hour for all workers 18 years of age and older. Younger workers receive a lower minimum wage. This is \$2.70 per hour for workers 15 years old. The minimum

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wage increases annually until the worker is 18. A supplement is added for workers with dependents. It would be difficult to support a family on the minimum wage. However, few workers receive the minimum wage, and Luxembourg wages are among the highest in the world.

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Malta is a constitutional republic and parliamentary democracy. Executive power is vested in a president who appoints as prime minister the leader of the party which gains a plurality of seats in the quinquennial elections for the unicameral legislature. The two major political parties reflect widely divergent political views. After 16 years of Labor Party rule, the election in 1987 brought the Nationalist Party to power with a one-seat majority in Parliament.

Law enforcement and internal security are the responsibility of the Malta police under the command of a civilian commissioner. The Deputy Prime Minister, who is also Minister of Justice, has jurisdiction over the police. A specially trained riot police, the Special Assignments Group (SAG), forms part of the regular police force. Human rights, a subject included in the curriculum of the police academy, are generally respected by the police force.

The Maltese economy is a mix of state-controlled and private firms. Malta is heavily dependent on its ability to export and on tourism. Foreign private investment in export-oriented, light manufacturing industries is being actively promoted, and the Government is also developing Malta as a center for offshore business activities.

Constitutional protection for the fundamental rights and freedoms of the individual is upheld by an independent judiciary. The current Maltese Government is strongly committed to human rights. Women encounter a degree of culturally based inequality. In 1989 the National Council of Women complained publicly about discrimination against women in the newly enacted dual citizenship law.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No known incidents of political killing occurred.

b. Disappearance

No cases of disappearance are known to have occurred.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were accusations by the opposition party against the police for using excessive force in controlling unruly crowds on two separate occasions during the year. Measures for prison reform taken in 1989 included training wardens and providing higher wages and better working conditions for prison guards. The Government announced its intention to bring the penitentiary system "up to European standards."

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and detention is provided for in the Constitution and is generally respected in practice. Police officers above the rank of inspector may issue arrest warrants without court order. The police may, on the basis of reasonable suspicion, arrest a person for questioning. Within

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48 hours, persons so arrested must be brought before the court and charged or released. There is no right to legal counsel during this 48-hour period. Persons incarcerated pending trial have access to counsel, and periodic hearings are mandatory. Provision for bail exists. While previously the granting of bail to defendants accused of murder and crimes against the security of the State was prohibited by law, the Constitutional Court in April, acting on an appeal filed by three persons charged with attempted murder, ruled that the criminal code was in violation of the European Convention on Human Rights. The court decreed that judges may now exercise their discretion on whether to grant bail or not, and remanded the cases to the lower courts. The Constitutional Court in another case ordered two police officers to pay a citizen compensation for an illegal arrest and detention which occurred in 1983.

There are no known cases of incommunicado detention or political exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution requires a fair public trial before an impartial court. Recommendations to reform the Constitution and to strengthen both the independence and peer review of the judiciary are under review by political parties and the public.

Defendants have the right to counsel of their choice, at public expense if necessary. They enjoy a presumption of innocence, may confront witnesses and present evidence, and have the right of appeal. The courts' jurisdiction is limited in certain areas. Lay tribunals (e.g., the Industrial Tribunal, the Commissioners for Justice, and the Inheritance Partition Tribunal) have exclusive authority over certain judicial functions, although their independence is not legally guaranteed. Defendants in cases before the Industrial Tribunal or the Public Service Commission may not be represented by lawyers.

Maltese criminal law has on several occasions in the past year been challenged in the Constitutional Court for not conforming to certain provisions of the European Convention on Human Rights. In every instance the court has ruled in favor of the appellants. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection of the privacy of the home is ensured in the Constitution and generally respected in practice. Search warrants may be issued, on reasonable suspicion of crime, by public officers above the rank of inspector, without a court order. In a 1989 decision in a case against a former parliamentary Secretary for Housing dating back to 1974, the Constitutional Court ruled that the requisition order and eviction of the complainant from his home had violated his constitutional rights. The court ordered payment of compensation.

Political party membership and participation is voluntary. However, there is strong societal (family, employment) pressure for affiliation with particular parties.

Electronic surveillance is prohibited by law. However, prompted by the opposition's charges that wiretaps were being

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unlawfully used against it, the Minister of Justice said he would introduce legislation permitting the Government to use wiretaps in exceptional circumstances when state security was threatened.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression (speech and press) is protected by the Constitution and generally respected in practice. The only exception is the 1987 constitutional amendment which bans foreign participation in local politics (e.g., guest foreign speakers sponsored by a political party) during the period prior to an election.

The broadcast media (television and radio) are state owned. During 1989 opposition viewpoints received prominent, frequently extensive, coverage on a par with coverage provided to the Government, irrespective of news value, although both majority and opposition political parties complained of bias in news coverage. A constitutionally mandated Broadcasting Authority exists to ensure impartiality in broadcasting, and a parliamentary select committee has reported on ways to strengthen the broadcasting authority.

Ten privately owned daily, weekly, and monthly newspapers freely express partisan views. Several newspapers are associated with political parties. Academic freedom generally is respected.

b. Freedom of Peaceful Assembly and Association

The right of peaceful assembly is ensured in the Constitution. In 1989 police permits were routinely issued for political meetings and other public activities of political parties or groups of citizens. On two occasions during the year, violence erupted, prompted by longstanding animosity and polarization between the two leading political parties. The first incident occurred during a wedding in an opposition party stronghold attended by prominent government officials, where opposition party adherents proceeded to attack the wedding party. The second instance was in connection with ceremonies and festivities on March 31, the day which the opposition party claims as Malta's independence day. On both occasions, the Special Assignments Group (SAG) was called in to control the crowd and particular individuals' violent behavior. Some people were affected by the tear gas and injured by police batons. The opposition party later accused the SAG of police brutality and of using excessive force.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The right to practice the religion of one's choice is protected constitutionally and is respected. The overwhelmingly dominant religion is Roman Catholicism; small numbers of people practice other religions. State subsidies are granted only to Catholic schools. In the state schools, students have the option at some stage to opt for religious instruction in the Catholic faith.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country, foreign travel, or emigration. In July a law was enacted enabling returning Maltese emigrants, who have acquired the citizenship of another country and resided abroad for a minimum of 6 years, to hold dual citizenship. The law does not apply to children of emigrants nor to women who left Malta to marry a foreigner and obtained the citizenship of their husbands.

Foreign nationals claiming refugee status while visiting Malta generally are not permitted to remain in Malta but are allowed to stay until settled in a third country. The Emigrants' Commission, established in 1987 as the local representative of the United Nations High Commissioner for Refugees (UNHCR), has worked well in providing assistance and counseling for refugees until they are accepted by the UNHCR.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Malta is a parliamentary democracy in which the incumbent Nationalist Party and the opposition Malta Labor Party dominate public life. Political activity is often intense, and partisan feelings can be very pronounced, heated, and polarized. Elections with universal suffrage, in which all parties participate freely, are held every 5 years. During the 1987 election, 96.11 percent of those registered actually voted.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government places no restrictions on investigations by international human rights groups. It is strongly committed to human rights and is active in international human rights forums. Several local human rights groups and persons interested in promoting and protecting human rights operate freely.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Maltese citizens have a legal right to housing, employment, and education on a nondiscriminatory basis. In practice, however, there is discrimination in employment, the provision of public services, and the granting of import licenses based upon political party affiliation and extended family ties. In conformance with its election campaign pledge to obtain redress for individual injustices incurred under the previous government, the present Government set up a commission shortly after its election in 1987 to probe alleged injustices brought to its attention. Because of its heavy workload, another two commissions were added in 1989 to investigate injustices with respect to appointments of public officers, granting of licenses permits and government contracts, and provision of public services.

For reasons derived from tradition and culture, Maltese society has only recently begun to associate women's rights with human rights. There are laws on equal opportunity and equal pay for equal work, but discrimination occurs. Job advertisements may

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specify whether the positions are for men or women. The low rate of participation of women in the work force can be partly attributed to a tax structure which discourages married women from working. As of January 1990, however, a new tax law will eliminate the tax disincentive for married women.

Married women lose entitlements and seniority personally acquired (retirement, health benefits, social security) upon marriage. Legally, the husband is head of the family unit with dominant responsibility for economic and financial questions, as well as all major decisions concerning children. Married women can own businesses and hold checking accounts only with the consent of their husbands. They must be represented by their husbands in business or financial litigation. This inequity has been challenged by women's organizations, among others the Commission for the Advancement of Women, which was formed in collaboration with the Government in March. The Commission has drafted a new family law aimed at eliminating the inferior status and discriminatory treatment of women, which it hopes the Government will act upon. The Government has responded by setting up a Secretariat for the Equality of Women within the Ministry of Social Policy, which will monitor legislation relating to women and draw up initiatives leading to the equality of women. Married women are also discriminated against in the recently enacted dual citizenship law (see Section 2.d.). The National Council of Women has complained to the Government and threatened to take its case to the European Commission of Human Rights.

There are no laws specifically prohibiting abuse of women. A church refuge for battered women exists and is partially supported by the Government. In 1989 the Government increased its contribution to the refuge. A privately organized association of battered women also exists.

Section 6 Worker Rights

a. The Right of Association

Workers have the right, respected in practice, to associate freely and to strike. The only groups restrained from striking are the uniformed personnel of the armed forces and the police. In 1989 there were 23 trade unions registered in Malta representing over 51 percent of the work force. The General Workers Union (GWU) and the Union Haddiema Maghqudin are the two largest unions. The GWU has been institutionally tied to the Malta Labor Party since 1978, and it has participated in the Labor Party Government. The other labor unions are independent of political parties, and the current Government encourages the development of free trade unions without party affiliation. Maltese unions belong to a variety of international trade union groupings.

There were occasional sporadic strikes of short duration during 1989, most of them politically motivated. Under the Industrial Relations Act of 1976, the responsible minister may refer disputes to the Industrial Tribunal for binding settlement, in effect limiting the right to strike. In 1989 the Committee of Experts of the International Labor Organization (ILO) asked the Government to take the necessary measures to bring this legislation into conformity with ILO principles. It also noted with satisfaction the efforts made by the Government to refund the salaries of worker-students involved in a teachers' strike in 1984.

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b. The Right to Organize and Bargain Collectively

Workers are free, in law and in practice, to organize and bargain collectively. Voluntary worker-employer negotiations and collective bargaining are encouraged by the current Government. The 1976 Act provided for the creation of a joint negotiating council for the public sector, but this has not yet been formed.

According to the Industrial Relations Act, an employer may not take action against any employee because he or she belongs to a trade union. Complaints may be addressed through a court of law or an industrial tribunal composed of one member each named by the employer, union, and the Government. Complaints of discrimination may also be lodged with the Commission against Injustices which was set up in 1987.

There are no export processing zones in Malta.

c. Prohibition of Forced or Compulsory Labor

Forced labor is constitutionally prohibited and does not exist.

d. Minimum Age for Employment of Children

Children younger than 16 years may not legally be employed. This injunction is generally respected and enforced.

e. Acceptable Conditions of Work

The legal minimum wage in Malta in 1989 was \$86.65 per week. The minimum wage is generally enforced. Given government subsidies in housing, health care, and free education, the minimum wage provides a basic standard of living.

Maximum hours of work are regulated by wage council orders for various trades. For most sectors, the maximum is 40 hours per week, but in some trades the maximum allowable is 43 or 45 hours per week. Government labor regulations prescribe daily rest periods of 1 hour. Annual paid vacation according to law is currently 22 working days.

Occupational safety standards and health regulations, especially in the dockyards and construction sectors, are being reviewed and updated. The Government is in the process of organizing the recently established authority for workers' health, safety, and welfare, which will be responsible for educating workers and enforcing occupational safety standards; enforcement heretofore has been lax. Following two serious occupational accidents, one of which resulted in death, the Department of Labor took legal action against the employers.

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The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by a council of ministers representing the governing political parties. A bicameral parliament, in which the full range of the political spectrum is represented, is selected through nationwide proportional voting.

The police and security organs are effectively subordinated to the executive and judicial authorities.

The Dutch have a mixed free market economy with extensive involvement by governmental entities. The Netherlands has a complex social welfare system providing a high level of social benefits.

The Dutch attach great importance to human rights in their foreign and domestic policies. The principal internationally recognized rights are protected by Dutch law and widely respected in practice by both the State and the general public.

The press, public interest groups, and both domestic and international human rights organizations are quick to challenge practices which they believe violate established human rights norms. Such complaints characteristically receive a full airing in the media, through the judicial process, and in Parliament.

There are no significant differences in human rights practices between the Netherlands proper and the autonomous regions of the Kingdom: Aruba and the five-island Netherlands Antilles.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

Killing for political motives by government or domestic political groups did not occur.

b. Disappearance

Abductions, secret arrests, and clandestine detention by police or other official security forces did not occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or inhuman punishment are prohibited by law and did not occur in practice.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is guaranteed by law and respected in practice. Preventive detention is permitted only in times of emergency, upon declaration, for a limited time, by national or municipal authorities. The practice of preventive custody is frequently used in drug smuggling cases.

Under normal circumstances, a person may be held no longer than 6 hours, or 9 if the arrest was made at night, unless charges are brought. Persons suspected of having committed

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serious crimes may be held in custody for 48 hours without charge with the agreement of the public prosecutor, who is also authorized to decide on an extension of another 48 hours. Any further decision on extending detention is made by an investigating judge. In January the Netherlands was criticized by the European Court of Human Rights in Strasbourg for holding suspects in custody up to 4 days and 9 hours without access to a judge. The Court considered the Dutch practice a violation of the European Convention on Human Rights which guarantees arrested persons "immediate" access to a judge. The Dutch Justice Ministry is currently investigating how its procedures may be brought in line with the Court's verdict. Search and arrest warrants issued by the judiciary are required in most criminal cases.

Forced exile from the Netherlands is unknown. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by law and respected in practice. Defendants have the right to counsel, and a system of free or low-cost legal assistance exists for those unable to pay. Charges must be formally stated. The judiciary is independent. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A judicial warrant is required to enter a person's home or to monitor private communications. The State respects individual freedom of choice in family matters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. Dutch media policy allocates broadcasting time to a wide range of social and political groups, ensuring that minority viewpoints are heard. There are no prepublication restraints on any media, but there exists a broad social understanding which precludes the mainstream media from disseminating sensitive information involving national security, defense, or the royal family. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are effectively unrestricted. Permits are required from local governmental authorities for large-scale assemblies and for demonstrations of a political nature. Permits are granted on a routine basis but may be denied when authorities believe that "public order and safety" cannot be guaranteed as a result of a rally or demonstration. Membership in, or the formation of, organizations is not impeded by the Government except under exceptional circumstances.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

There is full freedom of religion. State subsidies in the educational field are provided to religious organizations which maintain educational facilities. The subsidy is granted on a fixed per student basis to both parochial and nonparochial educational institutions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of domestic and foreign travel, emigration, and repatriation. Due to the Netherlands' shortage of housing in its major cities, there are some restrictions on the allocation of government-subsidized housing.

The Netherlands has elaborate procedures for deciding asylum applications, designed to give full respect to the due process rights of applicants and to take into account conditions in the applicants' countries of origin. In close cooperation with the U.N. High Commissioner for Refugees, the Netherlands annually offers permanent resettlement to 500 refugees, principally Iranians, Vietnamese, and Cambodians, who are in temporary asylum in other countries. The Dutch provide housing and social services to asylum applicants awaiting decisions as well as to those awarded refugee status.

Applicants denied refugee status are requested to leave the Netherlands, but a significant portion do not depart. The Dutch Government rarely sends asylum seekers back to their country of origin.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Netherlands is a functioning multiparty democracy. Election results are decided on the basis of proportional representation. There is universal suffrage for persons over 18 years of age, and foreign residents have the right to vote in municipal elections. Dutch citizens elect the Second Chamber of Parliament every 4 years (or more frequently in the event a government resigns or is toppled by a parliamentary vote of no confidence). The most recent national elections, held in September, led to the formation of a center-left government with Prime Minister Lubbers remaining in office. Eleven political parties have seats in Parliament, representing all points of view from the far right to the far left.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is responsive to allegations of human rights violations arising both domestically and internationally. The Dutch consider themselves to be in the forefront of international concern over reported human rights abuses, and Dutch authorities readily assist international and nongovernmental organizations in their investigation. Support for human rights is a key tenet of Dutch foreign policy. The Netherlands is a strong advocate of human rights, both bilaterally and in international forums, including the United Nations and its agencies and the Conference on Security and Cooperation in Europe. The Dutch have repeatedly spoken out against human rights violations in all parts of the world.

THE NETHERLANDSSection 5 Discrimination Based on Race, Sex, Religion,
Language, or Social Status

The Dutch view the problem of fully integrating racial and ethnic minorities into national economic and social life as one of their most difficult domestic issues. Hundreds of thousands of persons from the former Dutch colony of Suriname and the Netherlands Antilles and Aruba have come to live in the Netherlands since 1975. In addition, there are significant numbers of foreign workers and their families, mostly from Turkey and Morocco. These groups face some private discrimination in housing and employment, as well as practical limits on opportunities for social and economic advancement as a result of educational levels that are inadequate when compared to those of the majority of Dutch citizens. Unemployment among minority groups runs significantly higher than among the population as a whole.

The Government's longstanding policy of combatting discrimination is outlined in its 1983 "Minority Note," a comprehensive plan of action to address the problems of minorities in the fields of health, education, employment, and the law. The National Advisory and Consultation Board on Minority Policy, which is incorporated by legislation into the administrative structure of the country, is chaired by the Minister of Internal Affairs and includes representatives of seven ethnic minority groups. It acts as a consultative body to the Cabinet on minority issues and as a conduit into the Government for the expression of minority concerns.

Administrative tribunals have been set up for filing claims of discrimination against employers and government and in housing matters. They provide a practical means of redress for discrimination claims.

Women enjoy full legal rights and enter marriage with the choice of pooling wealth or maintaining separate assets. According to a recent study ("Violence Against Women in Heterosexual Relationships") financed by the Dutch Ministry of Welfare, Health, and Culture, 20.8 percent of Dutch women in heterosexual relationships are or have been the victims of unreciprocated violence. Slightly over half of these (or 11 percent of women) experience or have experienced repeated violence severe enough to be considered wife beating. The Government supports programs to prevent or reduce violence against women. Battered women find refuge in a network of government-subsidized women's shelters which offer the services of social workers and psychologists. In addition, battered women who leave their husbands immediately become eligible for an array of social benefits, including a basic (and livable) subsidy as well as an allowance for any dependent children.

Section 6 Worker Rights

a. The Right of Association

The right of Dutch workers to associate freely is well established. The active trade union movement includes in its membership approximately 30 percent of the employed labor force. Unions, while entirely free of government and political party control, may and do participate in political life. They are free to form federations and to maintain relations with recognized international bodies. All union members, except civil servants, have the legal right to

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strike. Even Dutch military personnel are free to join unions. Legislation is pending which would grant the right to strike to civil servants not involved in "lifesaving" activities.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is recognized and well established in the Netherlands. Neither in law nor in practice is discrimination against union members practiced. Dutch society has developed a social partnership between government, private employers, and trade unions which grew out of post-World War II reconstruction efforts. This "harmony model of industrial relations" involves all three participants in negotiating collective bargaining agreements. Every year, the three participants develop a "central accord" with agreed-upon social and economic goals for the nation. Sectoral collective bargaining then takes place under the umbrella of the "central accord."

There is a disagreement between the Government and the major Dutch trade union confederation (FNV) over the degree of government participation in the collective bargaining process permitted by a series of laws passed in the 1980's. This legislation moved the status of quasi-public workers from being "trend followers of the private sector" to being "trend followers of the public sector." The status of quasi-public workers is now closer to the status of government workers whose salaries and terms of employment are determined by the Government. A predecessor confederation of the FNV, the NVV, unhappy with this situation, appealed to the International Labor Organization (ILO) under Convention 87. An ILO fact-finding mission in 1985 essentially agreed with the union's position. The Government continues to maintain that its role in the discussion of salaries and terms of employment does not constitute interference in the collective bargaining process, and the FNV itself does not consider this disagreement to be a worker rights issue.

There are no export processing zones in the Netherlands.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not exist.

d. Minimum Age for Employment of Children

The minimum age for employment of young people is 16. At 16 years of age, youths may work full time only if they have completed the mandatory 10 years of schooling. Those still in school at age 16 may not work more than 8 hours per week. Laws prohibit youths under the age of 18 from working at night, overtime, or in areas which could be dangerous to their physical or mental development. The Netherlands has a reduced minimum wage for employees under age 23. The purpose of this law is to provide incentives for the employment of young people, one of the groups with the highest rate of unemployment. Full-time workers 16 years and older receive a paid vacation of at least 20 days per year.

e. Acceptable Conditions of Work

Dutch law and practice adequately protect the safety and health of workers. The average workweek for adults is 38

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hours. There is minimum wage legislation, and the minimum wage is approximately \$6.00 per hour. This minimum wage, together with social benefits available to all minimum wage earners, provides an adequate living for workers and their families. For unemployed workers, an extensive system of unemployment benefits allows recipients to maintain an adequate standard of living.

NORWAY

Norway is a constitutional monarchy and parliamentary democracy with King Olav V, the titular Head of State, having a largely symbolic role. Norway is governed by a prime minister, cabinet, and a 165-seat Storting (parliament) that is elected every 4 years and cannot be dissolved.

The police, security forces, and the military are scrupulous in their protection of human rights. The Government (including the judicial system and the Storting) exercises firm control over these organizations and investigates thoroughly any allegations of human rights violations.

Norway is an advanced industrial state with a mixed economy combining private, public, and state ownership. Personal freedoms, such as freedom of association and of speech, and the right to pursue private interests and to hold private property, are protected by the Constitution and respected in practice.

Deeply rooted democratic principles, a strong egalitarian tradition, an independent press, and highly developed educational and social welfare systems have made Norway a leading advocate of human rights in the world.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Such killings have not occurred.

b. Disappearance

Secret arrests and detentions have not occurred.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel, inhuman, or degrading treatment or punishment do not exist in Norway's penal system. Generous furlough and visitation rights characterize the system, which emphasizes rehabilitation. The maximum sentence for any crime is 21 years.

d. Arbitrary Arrest, Detention, or Exile

Norwegian law provides for arrest warrants, which are used except in circumstances such as hot pursuit. Persons may be detained for up to 4 hours without being charged. A person charged with a crime has the right, observed in practice, to appear before a judge for arraignment within 24 hours. If charges are formalized at the arraignment, the judge then determines whether the detainee should be kept in custody or released (bail need not be posted) pending trial. A strong case must be made to justify detention. Possible grounds include fear of flight, the needs of the investigation, and fear that a detainee will commit further crimes.

Any person held in pretrial detention appears before a judge every 4 weeks for a determination of the necessity of continued detention. There is no legal limit on the length of

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time a prisoner may be held before trial; however, lengthy pretrial detention is rare. Preventive detention also exists but is used infrequently.

There is no exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair, public trial is ensured by law and honored in practice. Only in certain cases, including those involving state security or private family matters, are trials closed. In criminal cases, all Norwegian citizens and aliens are entitled to free counsel. Indigent persons are granted free counsel in certain civil cases as well.

The judiciary is independent of both the legislative and the executive branches of the Government and tries military and security as well as civil and criminal cases. The Labor Court mediates industrial relations disputes.

In recent years, the legality of imprisoning those refusing both military service and alternative civilian service has become a public issue. Persons refusing both kinds of service have been held in prison for up to 16 months (a period equivalent to military service) without a trial. Detention is based on an administrative rather than a judicial decision, and prisoners held in this manner receive salary and benefits normally accorded to military recruits during their period of confinement. Recent administrative decisions by the Justice and Defense Ministries have expanded the grounds for conscientious objector status.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the family and the person is free from arbitrary interference by the Government. Police may conduct searches of the home only with court approval or in instances of hot pursuit or when they fear evidence is being destroyed. There were no allegations of extralegal official entry into Norwegian homes in 1989. In most cases, wiretaps are prohibited by law, but they may be used in cases involving state security or narcotics offenses and when officially approved by the court pursuant to carefully drawn legal guidelines. Correspondence may be opened only by court order in cases involving state security.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is protected by the Constitution and respected in practice. In addition to restrictions on slander and libel, Norwegian law forbids racist or sexist remarks in print or public speech. It is forbidden to publish information concerning national defense which could prove damaging to Norwegian security.

Norway's state broadcasting company maintains a near monopoly on television broadcasting and nationwide radio programming, but the Government does not exercise editorial control over programming. Private local radio stations exist throughout the country, and licenses have been granted to private groups to operate local cable stations. A private television

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network, TV Norge, has been on the air for almost 1 year. It broadcasts in the Oslo area and is available on cable throughout Norway. Norway has an active and diversified press, and many papers are sustained by government subsidies. Some newspapers are loosely connected to various national political parties.

Certain restrictions apply to the showing of films. The government Film Control Board has the authority to censor or ban any film deemed overly violent, pornographic, or blasphemous. The blasphemy clause in the censorship law has, however, not been used in the last 20 years. There is no evidence that any films have been censored because of political content.

b. Freedom of Peaceful Assembly and Association

Norwegians exercise these freedoms without restraint. Permits for public demonstrations are granted routinely.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The state church is the Evangelical Lutheran Church of Norway, which is financially supported by the State and to which 93 percent of the population nominally belongs. There is a constitutional requirement that the King and half of the Cabinet belong to the state church. The Workers' Protection and Working Environment Act permits prospective employers to ask job applicants in certain fields, such as education, whether they respect Christian beliefs and principles.

Approximately 4 percent of the population are registered members of 20 other denominations which operate freely and may proselytize. Foreign clergy are welcome in Norway. No religious community is required to register with the Government unless it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership. Although the state religion is taught in all public schools, children of other faiths are allowed to be absent from such classes upon parental request. If there are enough students of the same faith, the school will arrange religion classes in that faith. Workers belonging to minority denominations are allowed leave for religious holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not impede foreign or domestic travel. The right to voluntary repatriation is guaranteed. Refugees and asylum seekers are provided generous benefits, including social services, free medical care, and education while awaiting decisions on their asylum applications.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Norway is a multiparty democracy. Seven parties are represented in the Storting where distribution of seats is based upon proportional representation by district. The Storting may reject or modify government proposals; if a government loses a vote on a major issue of confidence, it

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resigns, and a new government is formed. The minimum voting age is 18, and voter turnout in the 1989 parliamentary elections was over 82 percent. Foreigners who have resided in Norway for at least 3 years, and are otherwise eligible, have the right to vote in local elections only.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Norway cooperates with nongovernmental investigations of alleged violations of human rights. In recent years, Norway has cooperated with both the European Commission of Human Rights and the United Nations High Commissioner for Refugees. Norway is itself an active participant in international human rights organizations. A number of public and private organizations monitor alleged human rights abuses either inside or, more often, outside the country.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Through a highly developed social welfare system that reflects a long tradition of egalitarianism, the Government provides for the health, education, retirement, and other needs of its people regardless of race, religion, sex, ethnic background, or political opinion.

Apart from an extremely small Finnish population in the northeastern corner of the country, the Sami (Lapp) people were Norway's only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect the cultural rights of the Sami by providing Sami-language instruction at schools in Sami-inhabited areas, radio and television programs broadcast or subtitled in the Sami language, and subsidies for the publication of newspapers and books oriented toward the Sami.

Norwegian Samis elected their own constituent assembly, the Sameting, for the first time in 1989. The 39-seat body is a consultative group which will meet regularly to consider issues of importance to the Sami people. Various Sami and other leaders have raised the possibility that the Sameting could eventually be transformed into a constitutional law-making body within certain territorial and functional boundaries.

There is continuing political debate on whether current restrictions on non-Nordic immigration, in effect since 1975, are racially motivated and whether immigrant minority groups such as Pakistanis, Vietnamese, Turks, and Africans are treated equally by Norwegian authorities. The Government provides legal protection for the rights of all minorities and has taken active measures to help these groups adjust to Norwegian society, including free Norwegian-language instruction for any foreign resident.

In recent years, Norway has experienced a dramatic increase in the number of persons seeking political asylum. As a result, the Storting passed a bill in 1988 that would no longer allow asylum applicants who are not bona fide refugees to remain on humanitarian grounds. The new law (expected to be fully operational by early 1990) introduces new measures, however, designed further to safeguard the rights of those asylum seekers allowed to remain in Norway. With the rise in the

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number of asylum seekers, refugee policy has become a significant political issue; reducing or ending the inflow of refugees remains the single most visible issue for the Progress Party, which posted big gains in the 1989 parliamentary elections. At the same time, some human rights groups and political parties urged the Government to accept more refugees and expressed concern over the adequacy of the treatment given those seeking political asylum in Norway. Although there have been problems in dealing with individual refugee cases, Norway has a well-organized system which includes advance planning, careful dispersion of refugees throughout Norway, and generous welfare, educational, and vocational training programs. The current backlog of refugee cases pending judicial processing is expected to ease significantly as the new procedures mandated by the 1988 law are implemented fully.

Women are protected under the Equal Rights Law of 1978 and other regulations. Under that law, "women and men engaged in the same activity shall have equal wages for work of equal value." A state Equal Rights Council monitors enforcement of the 1978 law, and an Equal Rights Ombudsman processes complaints of sexual discrimination. The Government provides liberal maternity leave and time off for either parent to care for their children.

Norway has an extremely low crime rate, and, in that sense, crime against women is not widespread. A recent general increase in the crime rate has included crimes against women, although police authorities believe that much of the increase in reported rapes and incidents of wife beating is due to a greater willingness among women to report these crimes than has been the case in the past. The police vigorously investigate and prosecute such crimes and have instituted special programs for rape and domestic violence prevention and for counseling of victims. Public and private organizations run several free shelters which give battered wives an alternative to returning to a violent domestic situation after an incident of wife beating.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. The Government, however, has the right to invoke compulsory arbitration under certain circumstances, with the approval of the Storting. This procedure, which has been invoked several times in the 1980's, particularly in the oil industry, has been criticized by the expert committees of the International Labor Organization, which are of the opinion that the situations were not a sufficient threat to public health and safety to justify the action.

With membership totaling about 60 percent of the work force, unions play an important role in political and economic life and are consulted by the Government on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions are free of party and government control. They maintain strong ties with international bodies, such as the International Confederation of Free Trade Unions. There were several small but no major strikes in 1989.

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b. The Right to Organize and Bargain Collectively

All workers, including government employees and military personnel, have the right to organize and bargain collectively. There are no export processing zones, and labor legislation and practice is uniform throughout Norway.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is prohibited by law and does not exist.

d. Minimum Age of Employment of Children

Children are not permitted to work full time before the age of 15. Minimum age rules are observed in practice.

e. Acceptable Conditions of Work

Ordinary working hours do not exceed 37.5 hours per week, and 25 working days of paid leave are granted per year (31 for those over 60). There is no minimum wage as such in Norway, but wages normally fall within a "national wage scale" negotiated by labor, employers, and the Government. The average annual wage, not including extensive social benefits, is approximately \$26,000, which is adequate to provide a family a decent living.

Under the Workers' Protection and Working Environment Act of 1977, all employed persons are assured safe and physically acceptable working conditions. According to the Act, working environment committees, composed of management, workers, and health personnel, must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. The Directorate of Labor Inspections ensures effective compliance with labor legislation.

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For the first time since World War II, Poland is ruled by a coalition government led and dominated by non-Communists. This far-reaching and fundamental change stemmed from the so-called roundtable talks in early 1989 between the Communist authorities and the opposition led by Lech Walesa, the leader of the Solidarity movement. The agreements reached provided, among other things, for legalization of the Solidarity trade union, establishment of the post of President of the Republic, creation of a freely elected upper house of parliament or Senate, partially free elections to the lower house or Sejm, permission for the publication of opposition periodicals, the easing of censorship, access for the opposition to the Communist-controlled radio and television, and an independent judicial system.

Parliamentary elections in June produced an overwhelming Solidarity victory, and General Wojciech Jaruzelski, the Communist President, was compelled in September to appoint a non-Communist, Tadeusz Mazowiecki, a Solidarity adviser, as the first non-Communist Prime Minister to head a Warsaw Pact government. This event marked the end of the de facto one-party system.

The Minister of Internal Affairs, a Communist, continued to supervise the uniformed police, the powerful security apparatus, and the militarized riot police. However, in October he announced the dissolution of the riot police, which had been responsible for serious human rights violations.

The new Government inherited an extremely difficult economic situation characterized by spiraling inflation, a deepening budget deficit, and nagging consumer shortages. In addition, the Government must deal with industrial obsolescence, a weak infrastructure, bad management, and low labor productivity. Its plans include stabilization measures to rein in inflation and longer-term institutional reforms aimed at restructuring the centrally planned economy into a market economy and encouraging private enterprise.

The transformation of Polish society includes the lifting of many previous restrictions on a citizen's right to free speech and free assembly. For example, in September the 1939 Soviet invasion of Poland was marked by wreathlaying and anti-Soviet street demonstrations without police interference. Freedom of association is being pursued pending passage of a liberal law on associations. Political crimes are to be eliminated from the criminal code. A non-Communist was appointed head of the Polish Radio and Television Committee, and censorship was significantly reduced.

In sum, Poland made dramatic progress in human rights in 1989. In a few months, the country overturned 40 years of domination by the communist party and formed a government which is pledged to respect human rights and civil liberties.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

No conclusive instances of political killing were reported. However, three Catholic priests known for their opposition

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activity died under suspicious circumstances in the first half of 1989. Some Poles fear that security forces acting either under orders or unofficially in some kind of vigilante "death squad" operation were responsible for the priests' deaths. Preliminary investigations by the police suggest accidental circumstances (e.g., fire, burglary), but official investigations into these alleged political murders are continuing, and a parliamentary committee has been created for this purpose.

b. Disappearance

Instances of prolonged or permanent disappearance were not reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reported allegations of torture during 1989. There were a few reported instances of police beating people in melees following demonstrations in the first months of 1989. A particularly violent protest action occurred in Krakow in May. Youth activists, staging an anti-Soviet demonstration in front of the Soviet Consulate General, began pelting the building and the responding police forces with bricks, bottles, and stones. The police resorted to heavy use of tear gas and water cannon, and a number of demonstrators were injured in the clash. However, more recent demonstrations and protest actions have met with no police resistance.

The Minister of Internal Affairs in October announced the dissolution of the Zomo units, riot police that were most closely associated with the martial law crackdown. In its place, the Minister plans to establish a special unit of the civil militia to perform crowd control and other similar activities.

Demonstrations and riots by inmates of Polish prisons became increasingly frequent and violent in 1989. The convicts are demanding improved health care and living conditions, amendments to the criminal law, and the abolition of the death penalty. Solidarity legislators have acted as mediators in the ongoing negotiations between the Government and the prisoners.

d. Arbitrary Arrest, Detention, or Exile

Polish law allows for a 48-hour detention period before the authorities are required to bring formal charges. Before the signing of the roundtable accords, the detention provision was used as a preventative or deterrent measure against prominent opposition activists. Since April, however, this provision has not been used in practice and is being reviewed.

In theory, the law provides that once a prosecutor presents the legal basis for a formal investigation, a detainee may be held in indefinite "investigatory" or "temporary" arrest until an indictment is filed. During this period, access to counsel is not guaranteed. Legal provisions for bail are rarely used, but suspects, as well as those already convicted, sometimes are furloughed for humanitarian reasons.

Those elements of the Criminal Code that had been used in the past for political purposes were the focus of attention at the

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roundtable working group set up to negotiate legal and judicial reforms. The roundtable reached agreement on eliminating these provisions, but the actual amendment of the criminal code was deferred until a later date when a thorough redrafting of the code would be possible.

Polish law contains no provision for forced exile. In 1989 many prominent opposition leaders traveled to the West and returned without incident.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Most cases are tried in open court. The court having jurisdiction over a case, however, retains the option of closing a trial to the public in some circumstances, such as divorce cases and trials in which state secrets may be disclosed. Once a formal indictment is filed, the defendant is allowed ample time to study the charges and consult with up to three attorneys of his or her choice. A defendant who cannot afford to pay is provided an attorney at public expense. Once the defendant is prepared, a trial date is set. Defendants must be present during the trial and may present evidence in their own defense. All are presumed innocent until proven guilty.

The court of original jurisdiction has 7 days from the date of the oral decision in which to prepare a written decision. Under Polish law, defendants have the right to appeal within 14 days from the time that the court issues a written decision. Appeals may be made on the basis, among other grounds, of new evidence, procedural irregularities, or a perceived offense against the law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government allegedly no longer monitors mail and telephone calls. Postal workers may inspect packages to be mailed abroad for customs purposes. The slowness of postal and telecommunications services result from an inefficient system coupled with a chronic lack of resources rather than from direct interference by the Government.

Polish citizens are not forced to participate in any political organizations. The Government does not interfere with the right to marry or to have children as one chooses, nor does it prevent the teaching of religion to children at home or in churches. In early 1989, some searches without warrants occurred in violation of the law requiring warrants.

The Government does not jam Western radio broadcasts. More and more Western dailies and periodicals are available in outlets frequented by tourists, such as hotel kiosks and international reading rooms. Personal and institutional subscriptions may be ordered but are limited severely by the availability of hard currency.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution of 1952 provides for freedom of speech. Since the signing of the roundtable accords in April, Polish

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citizens have been able to express their opinions publicly or privately without restraint. Poles likewise have been openly distributing pamphlets and speaking publicly at antigovernment and anti-Soviet demonstrations without reprisals.

The roundtable accords also granted the opposition full access to the mass media. While censorship laws thus far remain on the books, the Solidarity-led Government has effectively narrowed their application. Many of the former underground periodicals surfaced with legal publications: 1 month after the signing of the accords, for example, a Solidarity daily, *Gazeta Wyborcza* began publication, and a Solidarity weekly, *Tygodnik Solidarnosc*, which was launched in 1981 and closed down by martial law, resumed publication. *Gazeta Wyborcza* reaches over 500,000 readers, almost double the circulation of the Communist party daily. To compete, party journals have begun to carry differing opinions on a variety of issues, contributing thereby to an invigorated and vibrant press.

The current journalistic atmosphere also has fostered open discussions in Poland of what has come to be referred to as the numerous "blank spots" in Polish history, especially with respect to its relations with the Soviet Union. Many heretofore taboo episodes in bilateral relations are now being debated in journals and newspapers and on the airwaves.

Both television and radio have taken on a new character, as opposition figures regularly appear on the state-run media. Under the roundtable agreement, Solidarity's Citizens' Committee has guaranteed full access to both television and radio. Accordingly, "Studio Solidarnosc," a weekly opposition television program, began on May 9. Radio Solidarity similarly originated a daily broadcast in May. The newly appointed head of the Polish Radio and Television Committee, a Solidarity supporter, stated his intention to establish a politically independent and pluralist television and radio service based on competence, not political affiliation. In one of his first steps, he removed three newscasters most closely associated with martial law. Moreover, the new government spokesman, another opposition activist, declared that her role is to provide information, not block it as in the past.

The Main Office for the Control of Press, Publishing, and Public Performances continues to exist but has greatly reduced its activity in light of legislative changes implemented by the roundtable agreement. Formally, the office oversees censorship of all media and deletes material which it considers libelous or detrimental to national security interests. The new Government, however, intends to amend the law by eliminating censorship of books, monthlies, and less frequently issued periodicals.

Poland is the home of the only independent university in Eastern Europe, the Catholic University of Lublin. Its very existence, as well as its extensive ties to institutions and persons in the West (it counts Pope John Paul II among former faculty members), is visible evidence of the national and religious traditions which still help to shape Polish higher education. There are also a number of diocesan seminaries, independently administered by the Bishop Ordinary of Poland's dioceses.

Amendments adopted in 1985 to the 1982 Higher Education Law increased governmental control over universities and other

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college-level institutions. Hence, the Minister of Science, Higher Education, and Technology must approve all candidates for university rector and other high offices before their names can be submitted to university senates for election. The new Government and the new Minister have indicated an intention to move rapidly to restore greater autonomy to educational institutions. An association that aims to establish private schools in Poland successfully registered with the courts, and a group of teachers was granted permission to found a private high school in Warsaw.

b. Freedom of Peaceful Assembly and Association

Since April, most groups and associations have been free to organize and assemble. Major rallies were held during the national electoral campaign, and peaceful demonstrations were staged without police interference.

May Day observances in Warsaw turned into a Solidarity election campaign parade and rally, drawing perhaps as many as 100,000 people. The May Day celebration in Gdansk featured a campaign rally led by Solidarity leader Lech Walesa. Neither of these parades encountered government intervention.

Many protests by young people also took place. The Freedom and Peace Movement held rallies, set up picket lines in front of the Parliament building, and staged a 2-week hunger strike to press for changes in military service requirements. The group also led violent anti-Soviet demonstrations in the southern city of Krakow, which resulted in some clashes with police and some short detentions. But the most recent anti-Soviet demonstrations--those that took place after the Solidarity Prime Minister took control of the Government--met with no police response.

Since the signing of the roundtable agreement, the opportunities for Poles to engage in political and professional association activity are virtually unrestricted. Although associations and clubs by law must register with the courts, in practice most groups seeking legal status have been approved. Among the most significant of Poland's new independent associations is the Citizens' Committee, a brain trust of Solidarity activists. In June a Warsaw court registered the Association of Polish Writers (SPP), which more than 500 writers reportedly joined. A week later, the Association of Polish Journalists, comprising journalists associated with Solidarity, was reestablished. A group dedicated to exposing the truth about the massacre at Katyn of Polish military officers by the Soviet secret police applied for and received legal status, and the Independent Association of Students, denied permission in May to register, later won a 4-month struggle to organize legally.

Although the roundtable agreement did not resolve the question of the legalization of political parties, subsequent events rendered the issue moot. Pluralism in the form of competing political parties became a fact, and new parties were formed or planned. The National Alliance of Trade Unions (OPZZ), heretofore affiliated with the Communists, announced its intention to form a new party. Rural Solidarity has called for the establishment of a new rural-based political party, the Polish Peasants' Party-Solidarity, to address more specifically the concerns of agriculture-based workers. Finally, a group of Catholic activists formed a new political

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party, the Christian-National Union. The party's organizers reportedly enjoy a close relationship with Poland's Primate.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution ensures "freedom of conscience and belief," and Polish citizens enjoy freedom to practice their religious beliefs. Churches may organize, select and train personnel, solicit and receive contributions, publish, and engage in consultations with coreligionists without government interference. There are no restrictions on establishing and maintaining places of worship.

Poland is predominantly Roman Catholic. The Catholic Church maintains over 16,000 churches, schools, and other institutions and continues a vigorous program of building new churches. It regularly organizes religious gatherings, such as pilgrimages and conferences, without interference. It also publishes significant numbers of books and periodicals, as does the independent Catholic press. Sunday Catholic mass and services of other religions are broadcast regularly on the state-run radio. In July the Government established diplomatic relations with the Vatican after years of negotiations. Earlier in the year, negotiations led to a new legal status for the Catholic Church, the first such agreement in the Warsaw Pact area. The Church has been a stout defender of human rights and took an active role in bringing about the historic roundtable talks, in which the Church participated as mediator.

There is no government-sponsored discrimination against minority religions. Eastern Orthodox, Ukrainian Catholic, and the much smaller Protestant, Jewish, and Muslim congregations meet without interference but find it difficult to maintain their places of worship and train their clergy, mainly because of their small size, wide dispersion, and limited financial resources. Jehovah's Witnesses held an international congress in Poland in August, attracting 40,000 delegates from 22 countries.

The largest minority is the Orthodox faith, with between 800,000 and 1.5 million faithful concentrated in Poland's eastern provinces. The Orthodox Church maintains 350 places of worship and continues to build churches and renovate monasteries. It sponsors the publication of a number of books and several periodicals and broadcasts its masses on Polish radio four times a year. Some Orthodox believers complain of Polish ethnic prejudice (most of the Orthodox faithful in Poland are of Byelorussian, Ukrainian, or Russian origin).

World attention focused on Polish-Jewish relations after a group of Americans protesting the presence of a Carmelite Convent adjacent to the Oswiecim (Auschwitz) death camp scuffled with Polish workmen. The June incident gained momentum after the Primate of Poland, Cardinal Jozef Glemp, delivered a homily at a religious celebration at Czestochowa on August 26, in which he called on the Jews not to look down on Poles and not to use their control over mass media to inflame anti-Polish feelings. Opinion leaders immediately condemned the Cardinal's position; the Solidarity daily published a highly critical front-page editorial deploring the language and sentiments expressed by the Primate. The Church has since confirmed its intention to move the Convent.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal restrictions on travel within Poland. There also are no legal restrictions on changing one's residence, but in practice the acute housing shortage makes this difficult, and in some areas virtually impossible. Although Polish citizens and legal permanent residents in Poland are required to register with the local police each time they change their place of residence, this regulation is rarely followed and even more rarely enforced.

With the liberalization of policies governing passport issuance in July 1987 and again in January 1989, the vast majority of Polish passport applicants now are able to obtain passports valid for up to 10 years for travel to the West. Foreign travel is not restricted, and it is no longer a punishable offense for Polish citizens to remain abroad "illegally" after their tourist exit permission has expired. Poles who emigrated on passports issued for tourist travel, whether as a tourist or through a refugee camp in Europe, may return to Poland with no sanctions or limitations on future travel. Many Poles who obtained refugee or asylee status abroad are now returning to Poland to visit family and friends, and some are choosing to remain in Poland.

As of July 1, 1989, there were no unresolved cases on the list of divided families maintained by the U.S. Embassy.

Under laws dating back to 1962, only the Council of State may revoke citizenship. Involuntary revocation must be based on one of the following activities: actions violating the duty of allegiance to the Polish State; actions detrimental to the substantial interests of Poland; departure from Poland after May 9, 1954, and failure to return when so requested by the Polish Government; evasion of military service; or conviction abroad of a crime also recognized as a felony under Polish criminal law. The Government rarely revokes citizenship. Legislation is being drafted which would revise the statutes concerning the acquisition, loss, and revocation of citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Poland was ruled for more than 40 years by the Polish United Workers' (Communist) Party (PZPR). Forced by a series of crippling labor strikes in 1988 and a rapidly deteriorating economy, government authorities in February met with representatives of the opposition to debate questions concerning the future political, economic, and social configuration of Poland. The resulting agreement, signed in April, provided for a wide range of measures aimed at creating a more pluralistic and democratic political and economic order.

In the political area, the opposition obtained the right to contest 35 percent of the seats in the lower house or Sejm as well as all 100 seats in the resurrected upper house or Senate. In the June elections, Solidarity won 99 of the 100 seats in the Senate and all 161 seats it contested in the Sejm.

Solidarity's resounding victory at the polls forced a resolution of the issues of power sharing and Poland's political future. Although the PZPR, together with its coalition partners, the United Peasant Party and the Democratic

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Party, still had a working majority in the Sejm, it quickly began to lose control of the political situation. General Wojciech Jaruzelski, Communist Party First Secretary since 1981, stood for the new post of President of the Republic and was elected by the Sejm by a margin of one vote. After the inability of Jaruzelski's nominee, General Czeslaw Kiszczak, the Minister of Internal Affairs, to form a government because of the defection of the PZPR's coalition partners to the Solidarity side, Jaruzelski nominated Tadeusz Mazowiecki, a Solidarity adviser, who was confirmed as Prime Minister. Mazowiecki formed a government based on a broad coalition in which the PZPR continues to control two vital portfolios, the Ministry of Internal Affairs, with authority over the police and security apparatus, and the Ministry of Defense, with control over the armed forces. Moreover, the PZPR will continue to exert influence in the government and throughout the bureaucracy through its past control over key administrative positions. Free local elections are scheduled for the summer of 1990, and free multiparty parliamentary elections are anticipated in 1993 at the latest.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

There is no government-controlled or sponsored organization in Poland devoted exclusively to human rights issues, although there are reports that some are being formed. As yet, no independent human rights groups have sought to register with the courts.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

There is no legally sanctioned discrimination against women, and women's rights have not become a major public issue in Poland. Spouse abuse is a criminal offense; reported incidents are often attributed to alcoholism. Persons convicted of spouse abuse are subject to imprisonment from 6 months to 5 years. As spouse abuse is not discussed openly, and most women do not report such incidents to the police, the extent to which it occurs is not known.

Section 6 Worker Rights

a. The Right of Association

The roundtable agreement, implemented by the Act of April 7 amending the Trade Union Act of 1982, cleared the way for Poles to be represented by trade unions or professional associations of their choice by agreeing to eliminate laws that conflict with International Labor Organization (ILO) conventions, particularly 87 and 98 regarding basic trade union rights. However, many laws infringing on ILO conventions, including the law on compulsory labor, have not yet been repealed. The Mazowiecki Government, in cooperation with Solidarity deputies in the Polish Parliament, has begun preparation of new labor legislation including a draft labor code.

After more than 6 years of illegal status, the Independent Self-Governing Trade Union Solidarity was registered on April 20. Affiliated with the International Confederation of Free Trade Unions and the World Confederation of Labor, Solidarity currently has a membership of 2.2 million, compared to 9.5 million members in 1981 before martial law. The Communist-

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inspired trade union organized in 1982, the National Alliance of Trade Unions (OPZZ), is affiliated with the Communist-controlled World Federation of Trade Unions. As heir to traditional state-sponsored unions, the OPZZ "owns" or controls state assets and allocates benefits and perquisites, including vacations, sanatoria visits, and, in many regions, preferential access to housing; it claims 6.5 million members, approximately 3 million of whom are white-collar administrators and pensioners. The Trade Union Act of April 7, 1989, abolishes restrictions on the establishment and functioning of trade unions, especially the limit of one union per enterprise. In addition, the law: ensures the equality of all unions; grants the freedom to choose the principles of union structure, including the right to establish unions on a territorial basis; establishes principles of cooperation between unions in matters related to the representation of workers' individual and collective rights and interests vis-a-vis management and the organs of workers' self-management. A law adopted on the same day implements constitutional guarantees of equal rights of all citizens to participate in the public life of the country. The May 29 amnesty annulled convictions related to strikes or protests occurring after August 31, 1980.

A number of "illegal" strikes occurred in 1989, largely to protest deteriorating living standards and to press wage demands, but also to protest unsafe working conditions. The Communist Government's policy of allowing state firms to set prices, thereby dramatically increasing food prices in August, met with strikes in the transportation service, shipyards, steel mills, and mining, among other industries. For the most part, demands for increased wages were met.

b. The Right to Organize and Bargain Collectively

An amendment to the Labor Code which came into force in 1987 and is still on the books, enshrines the right to collective bargaining at the industry level and the right to conclude wage agreements at the enterprise level, but in the context of a planned Socialist economy. According to this system, collective agreements had to be submitted to the Ministry of Labor, Wages, and Social Affairs for registration in order to ensure that their contents were in conformity with the 5-year national socioeconomic plan adopted by the Sejm. If they were not, the dispute was submitted to arbitration by the Supreme Court, or, at the request of one of the parties to the agreement, to arbitration by a mixed commission of government and trade union representatives. This issue, among others involving freedom of association, has been under review by supervisory bodies of the ILO for a number of years. In its 1989 report, the ILO Committee of Experts requested the Government to clarify the current status of the centralized wage policy and the requirements to register negotiated wage schedules, which had been the subject of longstanding allegations of government interference in the collective bargaining process, in violation of Convention 98 on collective bargaining.

Polish wage levels have been calculated according to a very complex formula based on a theoretical base wage, extensive bonuses and overtime, and production quotas. Specific industrial sectors and enterprises are increasingly expected to accept responsibility for setting wage levels. Throughout 1989 wage tables were generally negotiated at the enterprise or sectoral level--instead of through a national plan.

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In keeping with the roundtable agreement, the new Polish Parliament passed legislation in July 1989 requiring state and private firms to index wage levels to offset increases in retail prices. The formula for calculating indexation assured that workers were compensated for at least 80 percent of the inflation rate for the relevant period. During the strikes in August, the Rakowski Government met with leaders of both Solidarity and the OPZZ union to reach wage agreements. The Mazowiecki Government amended the indexation law in October to provide for monthly rather than quarterly compensation, but wage adjustments were not to exceed the inflation rate.

Polish law provides guarantees against antiunion discrimination, backed by civil and penal sanctions. However, ILO supervisory bodies criticized and queried the Government in 1988 and 1989 regarding job dismissals on grounds related to participation in social activities or acts of protest against the authorities and also with respect to difficulties encountered by interned, arrested, or sentenced Solidarity trade unionists, who were subsequently amnestied, in finding employment. In May 1989, as a result of the roundtable agreement, an Act was adopted which provides that such persons may apply to establishments which had dismissed them for reemployment in accordance with their skills and professional experience. Under the Act, all workers whose employment was terminated after December 13, 1981, due to their trade union activity carried on in contradiction with the then-existing laws are ensured continuity of employment regardless of whether they return to the previous enterprise or not.

There are no special economic incentive areas or export processing zones in Poland as yet, but their establishment is under consideration by the new Government.

c. Prohibition of Forced or Compulsory Labor

Under legislation dating from the early 1980's, persons who are registered as unemployed and who refuse to seek employment without adequate justification, may be listed as "habitual parasites" and compelled to accept assigned employment, usually in street cleaning, park maintenance, or garbage collection, under threat of penal sanction. Sanctions under this law have not been implemented in the current political climate. Moreover, the law has never specifically been applied as a means of political coercion, curtailment of the free expression of political or ideological opinions, or racial or social discrimination. The new Government plans to review the law.

d. Minimum Age for Employment of Children

The labor code generally forbids the employment of a person who has not reached the age of 15. The employment of a young person, defined as someone aged 15 to 18, is permitted, provided that person has completed basic schooling. Special exceptions sometimes are required if a particular job might pose a health danger. The labor code specifies that a young person without professional qualifications may be employed only for the purpose of vocational preparation, although again there is provision for special exceptions. These laws are enforced effectively.

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e. Acceptable Conditions of Work

A 6-day workweek was introduced at the end of 1985, canceling the 5-day workweek which was conceded to Solidarity in principle in 1981 but never implemented. In practice, most families find that both the husband and wife must be employed in order to sustain an acceptable standard of living. In 1989 the base wage, used primarily for statistical purposes, was about \$20 to \$35 per month. The structure of the wage scale throughout Polish industry, however, is a major irritant to workers. Polish workers earn most of their pay from overtime and bonuses (basic pay is approximately only 30 to 50 percent of average pay), thereby increasing pressure on workers to work overtime to keep pace with inflation. As a result, less than 10 percent of workers work as few as 8 hours per day. Indeed, where employment is deemed the most unsafe--in the coal mining industry, for example--workers generally work more than 10 hours per day and 6 days a week.

The Polish legal code spells out minimum conditions for the protection of workers' health and safety, and the Council of Safety at Work was set up in May. Although in most respects these standards meet the international norm, several Western and other independent observers reported substandard safety conditions and work environments, most notably in the mining sector. The Social Labor Inspectorate (SLI), the compliance arm of the Government, is empowered to monitor the implementation of collective agreements and insure that regulations concerning safety and the employment of women and children are followed. Both the Council of Safety at Work and the SLI are frequently criticized for a lack of efficiency and being too close to management; its representatives have been appointed by state and party authorities.

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The Republic of Portugal is a parliamentary democracy with a president of the republic and legislative assembly freely elected by secret ballot. Former Prime Minister Mario Soares was elected Portugal's first civilian President in 60 years in 1986. In 1987 Prime Minister Anibal Antonio Cavaco Silva was reelected and formed the first majority Government since the 1974 revolution.

Macau, a small Portuguese-administered island group off the coast of China, has limited representative government. Macau is regarded by both the Portuguese and the Chinese Governments as Chinese territory operating under Portuguese administration. Under a 1987 agreement between the two Governments, Macau will become a special administrative region of China in 1999.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. Security forces are fully controlled by and responsive to the Government.

Portugal has a market-based economy and is a member of the European Community. An increasing percentage of the population is employed in industry and services, while employment in the agricultural sector continues to decline. Unemployment in 1989 was low by European standards at under 7 percent; however, underemployment remains a chronic problem. Current government policies aim at encouraging investment, reducing inflation, and cutting the public sector deficit. In order to reduce government obligations, the Government initiated in 1988 a privatization program for state firms nationalized following the 1974 revolution.

The human rights situation in 1989 was stable. Government authorities continue to demonstrate respect for human rights. Civil rights are outlined in the Constitution in accordance with the Universal Declaration of Human Rights. An ombudsman, elected by the Assembly of the Republic (legislature) to serve a 4-year term, is Portugal's chief civil and human rights officer. Any citizen may apply to him for relief. The Ombudsman receives about 3,500 complaints annually; the vast majority concern cases of alleged maladministration by the cumbersome bureaucracy.

The fundamental rights and guarantees contained in the Portuguese Constitution apply also to Macau. Violent repression of dissidents by authorities in the People's Republic of China (PRC) in the spring of 1989 left many in Macau concerned about the future, and Portuguese officials actively tried to reassure Macau residents that Portugal will remain concerned with their well-being. Under the terms of the 1987 agreement, Macau's current social, economic, and legal systems are to remain basically unchanged during the first 50 years after 1999.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Government-sanctioned political killings do not occur. There were no killings attributed to domestic terrorist groups.

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b. Disappearance

Government or police authorities do not abduct, secretly arrest, or otherwise illegally detain persons. There were no abductions by terrorist organizations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and inhuman or degrading treatment or punishment, as well as the use in criminal proceedings of evidence obtained under torture. There were no reports of complaints of such treatment in 1989.

d. Arbitrary Arrest, Detention, or Exile

Under Portuguese law, a prosecuting judge reviews the case against a person arrested and accused of a crime to determine whether that person should be detained or released on bail. A person may not be held for more than 48 hours unless a prosecuting judge orders preventive detention. Preventive detention is limited to a maximum of 4 months for each crime. Because of the cumbersome, backlogged judicial system, detention beyond 4 months is not unusual for major crimes such as murder or armed robbery. Detainees and persons in preventive detention have access to lawyers, who are generally effective in protecting their clients' rights.

Exile and incommunicado detention are illegal and not practiced in Portugal. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Portugal has an independent and impartial judicial system. All trials are public except those which may offend the dignity of the victim, such as in cases involving the sexual abuse of children. The accused is presumed innocent until proven guilty.

A clear procedural distinction is made between arrest and trial. A panel of three judges (which does not include the prosecuting judge) presides over cases which go to trial. A ministerial delegate assists the judges in reviewing the evidence. At the request of the accused, a jury may be used in trials for major crimes. The judges or jury may render the verdict. Sentence may be passed only in the presence of the defense attorney.

Portugal holds no political prisoners. Some radical leftist opponents of the regime have claimed that certain persons imprisoned for participation in terrorist organizations were political prisoners, including 64 persons found guilty of membership in FP-25 (translated as the "Popular Front of the 25th of April," referring to the April 25, 1974 revolution) and sentenced to prison terms in 1987. Most noteworthy of these was Otelo Saraiva de Carvalho, one of the leaders of the April 25, 1974 coup and convicted leader of the FP-25's shadowy "Global Project" organization, which advocates the overthrow of the Government by armed rebellion. Otelo Saraiva de Carvalho and 27 other defendants were released from prison in May on constitutional and procedural grounds, but an appeals court reaffirmed their convictions in September.

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Carvalho and the other defendants remain at liberty, however, pending a ruling by the Supreme Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution forbids forced entry into homes and searches without a judicial warrant. In addition, entry into a person's home at night requires the consent of the occupant. The State does not tamper with private correspondence or telephones except with a court order.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for in the Constitution and respected by the State. The constitutionally mandated Council of Social Communication acts as a watchdog to protect freedom of speech and access to the media. The Council, whose members are elected by the Assembly of the Republic, makes recommendations to the Assembly and has enforcement powers. The academic community is free to express its views.

"Fascist organizations," however, are prohibited by law. In addition, a person may be prosecuted for "insulting" civil or military authorities if the "insult" is intended to undermine the rule of law. There were no prosecutions for "insult" in 1989.

Although the State owns both television channels, the provision of the Constitution making television a state monopoly was removed in 1989. There is as yet no firm schedule for the introduction of implementing legislation to authorize the operation of one or more private television stations, but the Government is committed to this step.

In principle, the Government does not exercise direct control over the state-owned television system, though it does wield considerable influence through personnel appointments. Opposition parties sometimes charge that the state network ignores or distorts opposition views and activities. Station news directors defend their decisions as based on editorial judgments, not political partisanship. All political parties use their legal right to "antenna time" during prime viewing/listening hours.

During 1989 the Government passed legislation permitting private radio stations to operate. As of October, more than 100 such local stations had been authorized and were on the air, breaking what had previously been the dominant role of the Catholic Church and two government networks.

The entire spectrum of political thought is represented in the Portuguese press. There is no press censorship. More than a dozen new national publications appeared in 1988-1989 and several more are planned. Their rise and fall is determined by economic and editorial competitiveness.

As a result of postrevolutionary nationalization of the banks, to which many of the newspapers were indebted, the State acquired title to a number of newspapers. These papers are editorially independent but state owned. The Government in

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1989 sold three of these publications and announced that the two remaining state-owned papers would also be sold.

b. Freedom of Peaceful Assembly and Association

Persons have the right, in law and practice, to associate formally or informally and to promote nonviolent causes. Public meetings or protests require 24-hour advance notice to the civil governor of the region in which the event is to be held. Permission is routinely granted. The official registration of a new political party requires 5,000 signatures.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Portugal does not have a state religion. The Government does not interfere with the free practice of religion, missionary work, or religious publications. Organized religious groups may establish places of worship, train clergy, and proselytize without government interference. These freedoms extend to foreign clergy, many of whom work in Portugal. To qualify as tax-exempt institutions, religious groups must be established as nonprofit, private societies.

Roman Catholicism is the prevailing religion in Portugal. Catholic religious instruction is offered as an elective course in public schools. Other denominations offer religious education in their own institutions without interference. Success in a civil, military, professional, or political career does not depend upon adherence to a religious creed. There were no reported cases of religious persecution.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement, foreign travel, and emigration. There are no restraints on domestic travel or on the right of a person to change domicile. Some currency restrictions still affect travel. Citizenship is not revoked for political reasons.

Displaced persons who qualify as refugees as defined by the United Nations are entitled to permanent resident status and work permits. Displaced persons are not forced to return to the country from which they fled.

The Macau Government has followed an unofficial policy since 1982 of towing all Vietnamese boat people arriving in Macau into or near Hong Kong territorial waters. This policy has the tacit cooperation of the Hong Kong Government. In July, according to reports by the United Nations High Commissioner for Refugees and the Hong Kong Government, a boat carrying approximately 35 Vietnamese broke apart while being towed at high speed by Macau marine police. The Macau authorities reportedly towed the boat to a deserted Chinese island nearby and abandoned the refugees with no food, water, or other provisions. Two of the boat people eventually succeeded in reaching Hong Kong and gaining assistance from Hong Kong marine police. There were no fatalities. The Macau authorities denied any knowledge of this incident.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Portugal is a multiparty, participatory democracy. Candidates for president and for legislative, regional, and municipal offices are freely nominated and elected by secret ballot on the basis of universal suffrage. The unicameral Assembly of the Republic is the legislative body. The Prime Minister is the head of the Government. Opposition parties and candidates operate freely and enjoy access to the media. General elections are held at least every 4 years. The President has a 5-year mandate and may not serve more than two consecutive terms.

In Macau, representative government exists on a limited basis. The 17-member Legislative Assembly is an organizational hybrid in which 6 members are chosen by means of universal, direct elections, 6 are indirectly elected by local communities' economic or cultural associations, and 5 are appointed by the Governor. There is also popular representation in the Consultative Council, an advisory group to the Governor. The Macau Government, by tradition, also consults informally on a regular basis with local business and cultural leaders.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Portugal cooperates with independent outside investigations of human rights conditions and actively participates in the monitoring of human rights by the Council of Europe. Portugal was elected to the United Nations Human Rights Commission in 1988 and plays an active role. International and local human rights groups operate freely in Portugal.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are no laws discriminating against any racial, ethnic, or religious group, nor does any group benefit from a privileged status in Portugal.

The civil code guarantees full legal equality for women. Women are increasing their representation in universities, business, science, government, and the professions. Traditional attitudes of male dominance persist but are changing gradually. The Commission on the Status of Women, an official organization established in 1976, is a leading advocate for women's rights.

Various women's groups in Portugal have drawn attention to the largely hidden problem of violence against women, particularly in the family. Portuguese law provides for criminal penalties in cases of violence between couples without referring specifically to wife beating. Women's groups point out that traditional attitudes discourage many women who suffer such violence from seeking recourse in the judicial system and complain that Portugal lacks official institutions established specifically to provide relief to battered women.

Reported cases of violence against women in Macau are not common. Macau's criminal statutes prohibiting domestic violence are enforced, and violators are prosecuted. Abuses are reported by police and doctors to the Social Welfare

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Department where they are investigated. If hospital treatment is required, a resident medical social worker offers the victim counseling and information on social welfare services. Battered women may be placed in public housing until their complaints are resolved, although there are no facilities reserved for battered women.

Because Macau's governmental and legal systems place a premium on knowledge of the Portuguese language and metropolitan law, top leadership positions in the territorial administration are almost without exception filled by officials recruited from Portugal. Nevertheless, efforts are under way to change this. Legislation is now being drafted in both Chinese and Portuguese, and both languages have equal status in the Legislative Assembly and Consultative Council.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to establish committees in the workplace "to defend their interests." The Constitution ensures the right to establish unions by profession or industry. Trade union associations are guaranteed the right to participate in the preparation of labor legislation. Strikes are permitted for any reason, including political causes. Lockouts are prohibited. These constitutional guarantees are respected in practice.

Neither the Government nor unions publish membership statistics. It is estimated that approximately one-third of Portugal's work force is unionized. There are two labor federations. The General Confederation of Portuguese Workers Intersindical (CGTP-IN) is controlled by the Communist Party and engages freely in cooperative activities with the Communist labor international, the World Federation of Trade Unions. The General Union of Workers (UGT) is a pluralist, democratic federation affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The UGT and the CGTP participate jointly in the annual meetings of the International Labor Organization.

Both federations and their affiliates function free of government control but are closely associated with political parties. The CGTP-IN generally supports the Communist Party's policies and causes. UGT leaders are associated with either the Socialist or Social Democratic Parties. Although some UGT leaders serve in Parliament, the federation pursues a generally independent path that occasionally puts it in conflict with the Socialist and/or Social Democratic Parties. The labor movement in Portugal exercises significant influence on social and economic policymaking.

In Macau, current laws recognize the freedom of workers to join unions and to strike. The Government neither impedes the formation of unions nor practices discrimination against union members. The PRC Government and the Chinese Communist Party do not exercise any direct control over Macau labor unions. Chinese mainland influence is considerable in a number of sectors, however. This influence has resulted in a quiescent labor movement in keeping with PRC aims to maintain domestic stability in Macau in the period up to 1999. Such influence indeed complements the local traditional view of unions as centers for social and cultural activities.

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b. The Right to Organize and Bargain Collectively

Unions are free to organize without government or employer interference. Collective bargaining is guaranteed by the Constitution and practiced extensively in the public and private sectors. When collective bargaining fails, the Government, at the request of management and labor, may make a mediator available. When collective bargaining disputes lead to prolonged strike action in key sectors (for example, health and transportation), the Government is empowered to order the workers back to work for a specific period. The Government has rarely done so in practice. Union officials and members are protected by law against antiunion discrimination, and this law is observed in practice. There are no export processing zones in Portugal.

In Macau, unions tend to resemble traditional neighborhood associations, promoting social and cultural activities rather than issues related to the workplace. Local custom, moreover, favors employment without the benefit of written labor contracts, the exception being the import of labor from China which is under contract. Unions traditionally have not attempted to engage in collective bargaining. Accordingly, while the Macau Government does not impede or discourage collective bargaining, there are no government mechanisms to promote voluntary negotiations. There are no export processing zones in Macau.

A legal requirement for Government approval before collective agreements in public enterprises can become effective is the subject of a pending union complaint before the ILO.

c. Prohibition of Forced or Compulsory Labor

In both Portugal and Macau, forced labor is illegal and does not exist.

d. Minimum Age for Employment of Children

The minimum employment age is 14 years. The Government has cited plans to boost the minimum age to 16 years once new educational reforms take effect. Child labor is not common but does exist. The UGT and CGTP-IN have charged that a number of "clandestine" companies in the textile, shoe, and construction industries in northern Portugal exploit child labor. The Government has acknowledged that abuses exist and has vowed to eliminate them but had not taken any steps by the end of the year.

In Macau, minors under the age of 14 are forbidden by law to work. Nevertheless, child labor reportedly is not uncommon in Macau.

e. Acceptable Conditions of Work

A national monthly minimum wage for full-time workers was first established in Portugal in 1974. Minimum wages for rural workers and domestic employees were legislatively established in 1977 and 1978 respectively. Except in 1982, minimum wages have been increased every year. The current minimum monthly wage for general workers is \$203; for agricultural workers and domestics, it is \$193 and \$155 respectively. The minimum wage is generally enforced. Even with rent control and various social assistance subsidies, it is difficult for a single income family to maintain a decent

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standard of living on a minimum wage income, particularly in urban areas. Various social assistance subsidies are available to ameliorate the situation somewhat.

Workers receive a Christmas bonus equal to 1 month's salary. Workers are required by law to be granted an individual written contract which must include their professional category and salary, the work site, the starting date, and the duration of the contract (in the case of temporary workers). Employers are required to contribute to an employee's social security fund. The average workweek is 42 hours, and the Government has submitted a draft bill to reduce the maximum workweek to 44 hours. Current legislation limits regular hours of work to 8 hours daily and 48 hours per week. Overtime is limited to 2 hours per work period, up to 160 hours annually. Work on a normal day off is restricted to 8 hours. These limits are respected in practice. Workers are guaranteed 21 days of paid annual leave per year. The Ministry of Employment and Social Security monitors compliance with the above regulations through its regional inspectors.

Employers are required by law to hold accident insurance or to assume responsibility for accidents at the work site. Portugal has developed a compendium of legislation that regulates safety and health. Labor unions deem these regulations inadequate and continue to urge the Government to enact and enforce stiffer legislation.

In Macau, existing labor legislation provides for a 48-hour workweek (normally 8 hours per day and no more than 10.5 hours per day), overtime, annual leave, medical and maternity care, and employee compensation insurance. The Labor Department is responsible for processing complaints. However, government enforcement of the labor laws appears lax at times, partly owing to limited fiscal resources and personnel skills but also to a lack of policy emphasis. In the absence of any statutory minimum wage or publicly administered social security program, some large companies have provided private welfare and security packages. Candidates for public office in Macau have called for reform of the existing labor law, for medical insurance, a social security system, and increases in employee compensation. To offset the current labor shortage, the Macau Government allows the importation of labor from China under contract. There are heavy fines on employers harboring illegal immigrants. The number of imported workers in Macau is between 1,500 and 3,000 out of an estimated work force of 195,000.

ROMANIA

After 24 years of highly centralized and personal rule, Nicolae Ceausescu, President of the Socialist Republic of Romania and Secretary General of the Romanian Communist Party, was overthrown on December 22 by a spontaneous popular revolt, and a group of reform Communists, dissidents, intellectuals, students, and army generals called the National Salvation Front (NSF) took power. Ceausescu and his wife, Elena, the second most powerful figure in the country, were tried and convicted of genocide and other crimes by a secret military court and were executed on December 25. A provisional government formed by members of the NSF renamed the country Romania, declared its goal to be a pluralistic democracy, and called for free elections in April 1990.

Under Ceausescu, the powerful Department of State Security, known as the Securitate (organizationally under the Ministry of Internal Affairs), had among its major functions providing protection for the leadership and suppression of dissent and opposition of any kind. The NSF decreed the dissolution of the security services, which even after Ceausescu's death continued to battle the army and engage in acts of terror against the population.

The State controls all means of production. Only vestiges of private enterprise exist. In April the Government announced that it had paid off Romania's foreign debt, but there was no change in the stringent austerity program which has caused great hardship for the population. Shortages of consumer goods, rationed but often unavailable basic foodstuffs, rationed electricity, periodic lack of cooking gas, and breakdown of heating facilities characterized daily life. One of the NSF's first actions was to cancel the restrictions on heating and electricity and to divert food stocks reserved for export sale to domestic consumption.

Human rights were tightly circumscribed under Ceausescu's rule, and their observance in 1989 showed no improvement prior to the December revolution. Major problems included physical and mental abuse of prisoners, arbitrary arrest and detention, lack of fair trials, pervasive interference with privacy, family, home, and correspondence, and oppressive restrictions on freedom of speech, press, assembly, and association and worker rights, strict controls on religious activities, and denial of the right of citizens to change their government. Constant harassment by security forces stifled the expression of views different from those of the leadership. At least two secret trials of dissidents or of those related to dissidents occurred in 1989. Among the NSF's early decisions were those permitting the formation of political parties, freedom of speech, the press, assembly, association, and religion, and authorizing the release of all political prisoners. The NSF has also renounced the Communist Party's leading role in the State. At year's end, however, there was concern about the ability of other groups to mount effective opposition to the reform Communists and dissident members of Ceausescu's old regime that continued to lead the NSF. Ceausescu's severe repression so stifled dissent that there was no organized dissident activity to form a base of opposition.

Members of the Hungarian ethnic minority in Transylvania continued in 1989 to object to government policies which, they claim, erode their ethnic identity. The NSF promised full rights and equality for the members of all ethnic minorities.

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Rural "systematization," or the restructuring of rural Romania to eliminate half of Romania's 13,000 villages and move their inhabitants to regional "agroindustrial" centers, made little headway in 1989. The systematization of urban areas, including Bucharest, which had abruptly displaced thousands of people from their homes and had destroyed many historic buildings, homes, and churches, attracted international criticism. The NSF disavowed both programs.

The Government under Ceausescu tightly controlled religious practice. It did not approve longstanding applications for church building permits or for expansion and renovation of church premises, nor did it authorize a second printing of 5,000 Bibles which it had promised in 1988 to the Baptist Union. At year's end, Christmas services were broadcast in Romania for the first time in more than 40 years, and the NSF undertook to end restrictions against religious freedom.

The Government approved more emigration applications of Romanian citizens to the United States than in 1989 or 1988, but the authorities, contrary to the 1985 bilateral agreement, frequently denied jobs, housing, schooling, and medical care to those who applied for emigration, even before they had received U.S. entry documents. The NSF announced that it would permit freedom of travel and simplify the issuance of passports.

The following report primarily describes the human rights situation as it existed before December 22 when Ceausescu was overthrown. Some of the institutions and practices that led to widespread human rights abuses apparently were being changed at year's end, and the next annual report is likely to include a significantly different assessment of human rights practices.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

In their futile effort to crush antigovernment demonstrations in Timisoara, Bucharest, and other cities in mid-December, security forces loyal to Ceausescu indiscriminately killed hundreds, perhaps thousands, of unarmed civilians.

Under Ceausescu's rule, allegations continued to be made that some prisoners are mistreated to the point of causing their death. There are also credible reports that several priests who allegedly showed too much independence were beaten and one was killed in incidents which the Government attributed to common criminals. No suspects had been arrested by year's end.

b. Disappearance

Under Ceausescu's rule, there were some politically motivated temporary disappearances in 1989 but no confirmed, unresolved cases. Family and friends of persons arrested on political charges were frequently left unaware of their arrest, their circumstances, and their location for long periods of time.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were numerous reports during Ceausescu's rule that persons were mistreated while in Romanian prisons or police custody and that police authorities acted brutally to obtain information. Romanian authorities also used physical and mental degradation to intimidate those suspected of wrongdoing. Persons detained for questioning were often held incommunicado and kept for long periods without sleep, food, or access to toilet facilities. Those caught attempting to leave the country illegally, for example, were reportedly subject to physical and mental harassment, prior to being tried and sentenced. Reliable witnesses also reported incidents in which police administered severe beatings to persons arrested for minor infractions.

The most common complaints about mistreatment cited long periods of isolation, excessive use of force by guards, cells which are badly ventilated and poorly heated, bad food in inadequate quantities, difficult working conditions, and segregation of prisoners deemed "dangerous to the State" because of their religious beliefs or for other reasons.

Political prisoners who did not cooperate with their jailers reportedly were treated with great cruelty. They were generally kept apart from other offenders and restricted to their cells. Prison guards are said to have engaged in abusive behavior and allowed, and in some cases even encouraged, favored prisoners to punish those less favored.

d. Arbitrary Arrest, Detention, Exile

Romanian law provides for either a judge or a prosecutor to issue an arrest warrant. Once arrested, a person may be held without trial for up to 1 month before a hearing, but the prosecutor may obtain an extension for an additional 3 months. Thereafter the court may order further extensions in 30-day increments. There is no limit set by law on the total length of time a person may be held prior to trial. There is no provision for bail, although those accused of minor or nonviolent offenses can be set free on their own recognizance at the judge's discretion.

The law also provides for preventive detention. During Ceausescu's rule, persons detained for investigation often were held incommunicado. They were detained for varying periods of time, sometimes as long as several days, and then released without charge. Such arbitrary detention could be repeated several times, and the person could be called back repeatedly and threatened with further harassment or punishment.

During Ceausescu's rule, four persons were arbitrarily detained when they attempted to exercise their basic right to freedom of movement within Romania. One activist pastor was called in for questioning by police in order to make him miss a U.S. Embassy reception. Three other persons were detained (one on a charge of speeding) to prevent their attendance at a trial, and one of the three missed his own sentencing. This treatment was particularly common for religious activists and former political prisoners.

The Ceausescu regime did not use exile as a form of punishment. In many instances, it compelled persons to change their

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residence and employment. This action effectively constituted internal exile and was accompanied by extrajudicial house arrest or forced domicile. In the case of such house arrest, the detainee was severely restricted in his movements, and contact with others, especially foreigners, was either partially or completely shut off.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is constitutionally charged with defending the Socialist order and educating citizens to respect the law. No court has the authority to review the constitutionality of the laws. Theoretically, judges are independent and subject only to the law, but the outcomes of politically sensitive cases during Ceausescu's rule often appeared predetermined and at times contradicted evidence offered during the trial.

Most trials were held in public, though secret trials were common where state security was involved and could also be permitted in certain other cases. The law states that a trial may be held in secret if a public trial would be contrary to the interests of the State, Socialist morals, or the dignity of the individual. Under Ceausescu's rule, some former prisoners reported they were tried in secret by military courts on essentially political charges. Detailed sentences or records of trials for political crimes were generally not available, even to the accused. Four journalists who attempted to print an antigovernment manifesto were apparently tried in secret, convicted, and punished, and after release kept from all foreign contact. A Foreign Ministry official, who was arrested in January and charged with espionage, was tried and convicted in a secret trial before a military court. After Ceausescu's overthrow, he was released.

In one trial of a religious dissident prosecuted on charges of theft of state property, the authorities excluded all observers from the first session and tried to pack the court and exclude supporters of the defendants at the second session.

The ability of an accused person to defend himself or herself effectively was severely limited during Ceausescu's rule, especially in politically sensitive cases. The law in most cases requires that a defendant be represented by counsel, although some sources claimed that defendants did not always have an opportunity to consult with their attorneys before trial. The court may appoint an attorney to represent the defendant. In theory, a defendant has the right to choose another attorney, but in practice this right was severely restricted. Privately hired attorneys often refused to accept political cases. Acquittals in such cases were rare, and when defendants pursued their right to appeal, they sometimes received longer prison terms from the higher courts.

Many criminal laws are so worded that the authorities could charge persons coming under official scrutiny with some kind of offense. Examples of typical charges were "defaming the Socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal assembly" for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense; and "distributing literature without a license"--a felony--if caught attempting to transport or hand out free Bibles.

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The authorities frequently used "punishment at the workplace" as an alternative to incarceration. Those prosecuted and convicted for nonpolitical crimes, including most prosecutions motivated by the campaign against religion, were sometimes released from prison to forced labor, which allowed them to serve their sentence at their usual job, with lesser compensation, and live at home.

Prior to Ceausescu's overthrow, the number of political prisoners, including those convicted of trying to leave the country illegally and those tried with apparent political motivation for common crimes, was estimated at about 1,000. The NSF authorized the release of all political prisoners. On Christmas Day, Ceausescu and his wife, Elena, were tried by a secret military court and sentenced to death. The secret and summary nature of the proceedings did not accord with international norms of fair trial. Subsequent to the execution of Ceausescu and his wife on December 25, the NSF abolished the death penalty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Ceausescu's rule, Romanian laws and regulations governing the security apparatus sanctioned a high degree of interference with the individual and the family, which was somewhat mitigated by uneven enforcement, official corruption, and limitations on resources. Through intimidation and promises of material advantages, the security apparatus developed an extensive network of informers.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence was frequent. Searches were made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. The authorities occasionally entered homes on the pretext of looking for building code violations, excessive consumption of electricity, illegal use of electrical appliances, etc. These searches facilitated the discovery of forbidden books and publications, religious materials, or any other evidence of "wrongdoing." Militiamen at checkpoints located on roads leading out of cities and at major highway intersections in the countryside randomly stopped and searched vehicles as a matter of course.

Until Ceausescu's overthrow, there was continued concern about the long-range plan to "systematize" or restructure rural Romania by eliminating approximately 6,000-7,000 of the some 13,000 Romanian villages and concentrating the population in over 500 towns to be redeveloped as "agroindustrial centers." There was also international concern and criticism over urban "systematization," especially in Bucharest where entire neighborhoods were torn down with a minimum of prior notification to residents, and many historic buildings, including churches, were destroyed. The NSF disavowed both programs.

The authorities had the capability to monitor domestic and international telephone calls and, under Ceausescu's rule, appeared to do so regularly. Under the NSF, the practice of monitoring calls appears to have been abandoned.

Romania's official policy during Ceausescu's regime was to encourage a higher birthrate, and it was considered the duty of every Romanian woman to produce five children. In order to

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prevent abortion, the authorities could compel a woman to show a doctor's certification as to whether she was pregnant or not. The NSF restored the right of a woman to choose whether to have an abortion or to carry the baby to term.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under Ceausescu's rule, these freedoms, while recognized in principle, were severely restricted. Public expression of viewpoints at variance with official policy was almost always severely punished. While the Constitution provides for freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system," as defined by the State and party. Similarly, the penal code prohibits "propaganda with a Fascist character," any action aimed at changing the Socialist system, and acts endangering state security. These offenses are punishable by prison terms of up to 15 years. A 1971 law prohibits citizens from giving interviews to foreign media which "defame Socialist reality."

Under Ceausescu's rule, all media were state owned, rigidly controlled, and used primarily as vehicles for government and party propaganda. Government control of all necessary materials, such as newsprint, further limited the ability of the press to act independently.

The unauthorized importation or distribution of foreign publications was forbidden. In 1989 there were frequent reports of confiscations of foreign, including religious, materials at the border. Publications from the West or from other Communist countries were not generally available, although foreign cultural centers and libraries which are open to the public were allowed to distribute limited quantities of Western periodicals with government approval. Romanian libraries carefully controlled access to "restricted" materials, such as prewar historical texts. For live theater, official boards had to approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters had to be registered with the authorities, and the use of duplicating machines was strictly regulated. Western radio broadcasts in the Romanian language were not jammed and were a major source of both foreign and domestic news for the Romanian people. Academic freedom did not exist. Academics, writers, and journalists who dissented from officially sanctioned views were dismissed from their respective institutions.

The NSF restored freedom of speech and the press. While it controlled the national television and radio stations and their output of information, it did not interfere with the establishment of independent newspapers.

b. Freedom of Peaceful Assembly and Association

Under Ceausescu's rule, the Government attempted to control all group activity, and its permission was required for holding public meetings and forming associations. Peaceful assembly and association without permission were usually short-lived and could bring severe penalties to those involved. "Formation of a group" was a punishable offense applicable to groups as small as three persons.

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Citizens were required to obtain permission in advance to attend functions hosted by non-Romanians. Secret decrees promulgated late in 1985 and never officially published further discouraged contacts with foreigners and strengthened the requirement that all such contacts be reported to the authorities within 24 hours. In particular, Romanian writers, scientists, and professionals were reportedly forbidden to speak with their foreign counterparts without government permission.

The NSF has not interfered in any activities by independent interest groups. Political parties are in the process of being established with the NSF's consent.

For a discussion of freedom of association as it applies to labor unions see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of conscience, and the penal code prescribes a penalty of up to 6 months' imprisonment or a fine for anyone who impedes or disrupts any recognized religious sect. However, the Communist Party under Ceausescu's leadership officially promoted atheism, and the Government exercised broad control over religious practice. Although many Romanians feared that open exercise of their beliefs damaged their chances of social or professional advancement, religious practice remained very active.

There are 14 recognized religions, by far the largest being the Romanian Orthodox Church, to which about 80 percent of the population belongs. During Ceausescu's regime, most other denominations were of the opinion that the Orthodox Church received favored treatment from the Government, especially in the realm of finances and education. The Government subsidized clerical salaries (which some denominations did not accept), issued licenses to preach, controlled permits for church construction or renovation, severely limited the number of new admissions to seminaries, and controlled the importation and printing of religious materials, including Bibles. Government restrictions were usually directed against groups whose beliefs, in the Government's view, inspired "antisocial" or "antigovernment" behavior. Several of these were unrecognized religious groups, such as the Nazarenes and Jehovah's Witnesses. In 1989 there were no reports of significant restrictions on meetings held by these groups.

The Ceausescu regime remained in disagreement with the Roman Catholic Church, a majority of whose members are ethnic Hungarians, on a number of issues, and the Church technically remained without a government-approved charter. However, the church enjoyed de facto recognition and operated as if it were fully recognized.

The Government under Ceausescu did not recognize the Uniate Church, also known as the Catholic Church of the Byzantine Rite. This denomination was outlawed in 1948, and many of its leaders were imprisoned. Despite its unrecognized status, there remain adherents to this faith throughout the country. The Government also took active measures to suppress a revival movement within the Romanian Orthodox Church known as "The Lord's Army." Members of this group often met in small gatherings for prayer and Bible study, and they reported being fined for holding illegal assemblies. They also reported

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being subject to other harassment, such as loss of jobs or surveillance.

The rapid growth of evangelical denominations has led to pressures for more religious training, more printing of religious materials, and the expansion and construction of more churches. Conflicts between evangelical groups and the authorities arose frequently, and the Government's response was at times harsh. Activists who were vocal were kept under surveillance and often were subject to loss of jobs and social benefits, police intimidation or arrest, and in some cases, beatings.

Many religious denominations were able to publish a newspaper or newsletter on a regular basis. They were also permitted from time to time to publish other religious materials, although usually in small quantities. A second printing of 5,000 Protestant Bibles, under negotiation since 1987 between the Government and the Baptist Church, has still not taken place. The shortage of religious materials overall led some Romanians to risk severe penalties for smuggling Bibles and other religious literature.

Religious groups continued to be concerned over issues of maintenance, repair, and construction of church buildings. Extensive urban renewal projects, undertaken in Bucharest and other cities, continued to threaten churches of various faiths. The Government was often slow to approve the purchase or construction of replacement buildings for the affected congregations, for example, the second Baptist Church in Oradea. There is still no replacement for the large Seventh-Day Adventist Church in Bucharest, demolished in August 1985, although the denomination recently purchased a site. The congregation continues to meet in a temporary, tent-like structure inadequate to its needs. A replacement was finally found for the seminary demolished in 1988, and classes began in the fall of 1989.

Any repair or addition to a church building requires a building permit approved by both the local city council and the Government's Department of Religious Affairs. Church members state there were unreasonable delays in obtaining these approvals. A church could be demolished, or the congregation fined large sums, for infractions of the building codes. In past years, churches of various denominations were demolished or threatened with demolition under these regulations. The Comanesti Baptist Church was demolished in May, and four members of the church building committee were tried and convicted of theft of construction materials. The congregation was finally allowed to resume services in December in a private home but did not receive authorization to remodel the house to suit their needs. Their pastor was still not allowed to officiate at their services.

There is an active Jewish community organization which provides religious education to its members and enjoys relatively unrestricted freedom of emigration. Jewish leaders emphasize that, due to the level of emigration to Israel permitted by the Romanian Government, their numbers are declining, and they are permitted to maintain enough synagogues to meet their needs.

Leaders of religious denominations generally received permission to travel abroad on official business without difficulty. Foreign visitors preached occasionally in

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Romanian churches. There were three reported cases in 1989 of unofficially invited clergymen who were either told or asked to leave Romania by the authorities after their visits to Romanian churches.

After the NSF took power, the Romanian Orthodox Church had its Christmas service broadcast over nationwide television. The NSF plans to eliminate restrictions on religious freedom.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Except for certain very limited military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Most foreigners, including Western diplomats, are permitted to travel freely but often were kept under surveillance.

The right of citizens to change their place of residence is restricted. All citizens are required to have residence permits and may not legally move from one town to another, or between districts within a city, without official permission. Workers are technically free to change jobs, although antiunemployment laws and governmental controls may limit this freedom in practice.

Under Ceausescu's rule, travel outside Romania was treated as a privilege, frequently arbitrarily withheld, even for those who could "guarantee" their return by leaving a close family member behind. Employees generally had to obtain the approval of their "workers' committee" to apply for tourist passports. The NSF announced freedom of travel for all Romanians and the issuance of passports without delay.

In principle, the Government under Ceausescu continued to oppose emigration for any purpose but family reunification and sought to discourage those wishing to emigrate. The authorities sometimes refused arbitrarily to accept emigration applications from some Romanians. Romanians who applied for emigration or who held emigration approval were frequently harassed and discriminated against.

In February 1988, Romania renounced U.S. most-favored-nation tariff status, which was tied to Romania's emigration performance by U.S. trade legislation. The Government pledged to continue approving emigration applications for the purpose of family reunification, and the rate of approvals for emigration to the United States during 1989 was higher than either in 1987 or 1988.

A Romanian citizen who emigrates abroad must obtain the approval of the Government before resuming residence in Romania. Such approval was not always granted by the Ceausescu regime, but the NSF stated it would permit the repatriation of Romanians who had emigrated or sought asylum abroad. Several political exiles returned to Romania without incident by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the Constitution assures the right of Romanians to change their government and leaders, in practice they were

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unable to exercise this right under Ceausescu's rule. The Romanian Communist Party, led by Ceausescu, his wife, and a few advisers, ruled the country, tolerating no opposition and suppressing public criticism and dissent from their policies.

Officially, the Communist Party comprised about 16 percent of the total population or about one-third of the adult population. The Grand National Assembly (parliament) met for two short sessions every year and approved the President's decisions by unanimous vote. There is universal, compulsory suffrage for those over the age of 18.

Street demonstrations protesting Ceausescu's rule erupted in Timisoara in western Romania on December 17. Despite the intervention of the army and security forces, which caused many deaths, the protests continued in Timisoara and spread to other cities. Army units in many instances refused to fire on demonstrators, joining them instead. In Bucharest, thousands of people attending a large public meeting on December 21 shouted down Ceausescu instead of applauding him, and the security forces attempted unsuccessfully to suppress the protests by force, causing many casualties. When Ceausescu fled the city on December 22, a group of reform-minded Communists, dissidents, intellectuals, students, and generals assumed authority, calling itself the National Salvation Front.

The NSF, numbering 29 members at first and expanding to 145 members later, rules by decree through an 11-member executive committee. It promised free elections in April 1990 in which all political parties may participate. With the overthrow of Ceausescu and his execution, and the arrest of all members of the party's Political Executive Committee, the Communist Party was deprived of its leading role in the State, but members (or former members) of the Communist Party appear to be dominant in the NSF.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

There are no human rights monitoring organizations operating in Romania. No outside groups were permitted to visit Romania to investigate alleged violation of human rights during Ceausescu's rule. The Government under Ceausescu did not comment officially on reports issued by governmental or nongovernmental organizations such as the Council of Europe, Amnesty International, or Freedom House, all of which were harshly critical.

Romania continued officially to proclaim that discussion and examination of its human rights situation was "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and the Final Act of the Conference on Security and Cooperation in Europe (CSCE).

After Romania signed the Vienna Concluding Document of the CSCE, it announced that it did not consider itself bound by those parts of the document related to the human dimension (human rights), which it had tried but failed to amend. Romania consistently refused to respond to any request related to human rights. The NSF has pledged that Romania will faithfully observe its CSCE human rights commitments.

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The November 14-17 session of the International Labor Organization (ILO) Governing Body established a commission of inquiry to look into a complaint against Romania for employment discrimination against ethnic minorities. The Government rejected the decision as null and void, despite reminders of Romania's obligation as an ILO member to cooperate. The complaint refers to employment discrimination against the Hungarian minority.

In 1989 the Government sought to prevent a Romanian citizen, Dumitru Mazilu, from carrying out his responsibilities as special rapporteur to the U.N. Human Rights Commission, a position to which he had been named in 1985. Romanian representatives stated that Mazilu was too ill to prepare his report; Mazilu wrote U.N. officials that it was only the actions of his Government that impeded him. In spite of attempts to cut Mazilu off from all contact with the United Nations, he was somehow able to transmit his report, which was published in August. The Romanian authorities then intensified their surveillance and harassment of Mazilu and his family and blocked efforts by foreign diplomats to gain access to him. After Ceausescu's overthrow, Mazilu became First Vice Chairman of the NSF.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

According to official figures, about 12 percent (2.7 million) of Romania's 23 million citizens are members of ethnic minorities, including Hungarians, Germans, Gypsies, and many smaller groups. Based on a 1977 census utilizing self-declaration, the Government under Ceausescu stated that ethnic Hungarians make up the largest minority with some 1.7 million members. Some Hungarian sources claim the true figure for the ethnic Hungarian population is over 2 million.

Most minority groups are concentrated in Transylvania, the central and northwestern part of Romania. In recent years, Ceausescu's regime reduced the opportunities for minorities to have periodicals, theaters, and schools in their native language. The ability of members of minority groups to visit friends and relatives in neighboring countries was limited. Minority groups protested that government controls and restrictions constituted discrimination. Many observers maintained the Government under Ceausescu was pursuing a program of "Romanianization" in order gradually to absorb the minority groups into a unified Romanian culture. The Government denied discriminating against minority cultures.

There are no longer any television or radio broadcasts in the Hungarian language. Most Hungarian-language theaters now have a Romanian-language section. Hungarian- and German-language newspapers continue to be printed.

In the field of education, primary schooling is still available in Hungarian and German, and even in the native language of tiny minorities, such as Czechs in western Romania, although opportunities are shrinking. Under Ceausescu's rule, the number of ethnic Hungarian children being educated in Hungarian declined significantly. Several German-language high schools still operate, although they face declining enrollment of native German speakers because of the emigration of members of the ethnic German community. Several sources report that Hungarian-language sections in high schools have replaced what were formerly entirely Hungarian-

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language high schools. Except in a few departments, students can no longer take university entrance examinations in minority languages, and opportunities for university study in Hungarian have also decreased. Babes-Bolyai University in Cluj, formerly two universities, one conducting its courses in the Romanian language, the other in Hungarian, has increased its intake of ethnic Romanian students over the years and made Romanian the language of instruction in most subjects. All publications, including those in the languages of minority groups, must use the Romanian place names, not the Hungarian or German equivalents.

Ethnic Hungarians point to other government policies under Ceausescu they believe were designed to erode their cultural identity. Under a 1989 regulation, parents were no longer permitted to give their children Hungarian names which do not have Romanian equivalents. Members of the Hungarian minority claim that the Government used its controls over residence permits, employment, and study opportunities to dilute the concentration of the Hungarian population in its traditional centers. The Government maintained that demographic changes in Transylvania are natural and result in part from increased industrialization which has drawn ethnic Romanian workers into urban areas formerly inhabited predominantly by ethnic Hungarians.

Women are constitutionally accorded the same rights and privileges as men. The Government under Ceausescu sought to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages.

There is no information available on the extent to which violence against women, including wife beating, may occur. The Government during Ceausescu's rule gave no indication through the controlled press or through legislation that it perceived a problem, and neither the Communist-controlled women's organization nor independent human rights activists addressed this subject.

Section 6 Worker Rights

a. The Right of Association

Although the Constitution stipulates the right to join a union, the labor code states that the primary function of the trade unions is to "mobilize the masses for the fulfillment of the Communist Party's program," and trade unions independent of the party were prohibited. Romania's single trade union system is imposed by law. The Labor Code entrusts the party-controlled General Confederation of Trade Unions (UGSR) with exclusive responsibility to represent the workers before the Government. Under Ceausescu's rule, workers did not have the right to form their own associations, elect representatives, or affiliate with international organizations except through the official unions. Attempts to form independent groups or unions were quickly suppressed.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts when the dispute cannot be settled. In practice, sanctions available to the party and the union made it unlikely that such disputes would reach the courts or be settled in a manner favorable to the

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worker rather than to the Government. Individual workers who have been dismissed from their jobs may sometimes take their case to civil court. Under Ceausescu's rule, the Government's reaction to actual strikes, or to advocacy of the worker's right to strike, was harsh repression. Worker demonstrations in Brasov in 1987 were swiftly suppressed by the Government. There were no confirmed reports of strikes or protests since then--until the dramatic wave of political protests in December 1989.

In 1987 Romania lost its eligibility for the U.S. Generalized System of Preferences (GSP) tariff treatment after the U.S. Government found that Romania was not taking steps to afford its workers internationally recognized worker rights.

In 1989 the International Confederation of Free Trade Unions (ICFTU) lodged a complaint in the ILO alleging that the Government resorted to acts of reprisal and repression (discriminatory measures, imprisonment, violence, dismissals, and demotions, as well as forced labor) against individuals who attempted to form trade unions outside the official labor central or who participated in protest movements or strikes. The ICFTU cited the June 1988 arrest of 34 workers from an armaments factory who had met to discuss the creation of an independent union. It also charged that between 50 and 80 workers had been reported missing since the demonstrations which took place in Brasov in November 1987 and that several dozen workers were still under detention in 1989 despite an amnesty decreed in 1988. These charges were extensively aired by several ILO supervisory bodies in 1989. In addition, the ILO's Governing Body, in November 1989, established a Commission of Inquiry to look into another complaint against Romania for employment discrimination against ethnic minorities.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize or bargain collectively. Wages are set in Romania by central planning boards. While workers nominally have a direct voice in the management of the workplace through the unions that all must join, in most factories during Ceausescu's regime the union's chief executive was also the senior party official, and a primary function of the unions was to channel party doctrine and directives to the workers. Unions also dispensed social benefits, such as vacations at union-owned hotels (for which the member pays only a fraction of the real cost), low-interest loans, and access to cultural, educational, and other leisure activities.

The institution of unrealistic production and sales quotas during Ceausescu's rule and penalties in the form of salary deductions for failure to meet them increased worker dissatisfaction. No mechanism existed by which the workers could protest such arbitrary reductions in pay. The worker demonstrations in Brasov in 1987, which were suppressed by the Government, were called to protests pay cuts and poor living conditions.

There are no export processing zones in Romania.

c. Prohibition of Forced or Compulsory Labor

The labor code stipulates that each citizen over the age of 16 has the right and the duty to work. Unemployment is a crime

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("social parasitism"). With certain exceptions, such as housewives, full-time students, and private farmers, any unemployed able-bodied citizen must report to a government employment bureau for placement in a job. A 1976 law states that persons who refuse to take up gainful employment may be fined or assigned to positions in the construction, agricultural, or other sectors of the economy where they are required to complete 1 year of service.

Since 1985 the Committee of Experts of the ILO has observed that these provisions of Romanian law appear to constitute forced labor in that they are an obligation to work under the menace of penalties. At the 1988 ILO Conference of the Committee on the Application of Conventions and Recommendations, the Romanian Government took the position that these laws served to encourage able-bodied citizens to contribute productively to society and that the sanctions provided for by law had never been applied. Other sources note, however, that individuals were frequently convicted for "social parasitism" under a 1968 law which provides imprisonment as a sanction for persons not gainfully employed.

d. Minimum Age for Employment of Children

There is no specific minimum employment age, although Romanian law requires schooling to age 16. According to the employment code, children over 16 not enrolled in full-time schooling are expected to work. Youths 14 years of age may be employed in temporary jobs, and youths of 15 may be employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition" of the employee. In such cases, the law limits work to 6 hours per day. Children from age 11 may work in the fields or in other "patriotic labor," usually as part of a school or other group activity.

b. Acceptable Conditions of Work

The Constitution provides for an 8-hour workday (a 6-hour day for arduous occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." The monthly minimum wage is equivalent to \$220 at the official exchange rate. It is difficult if not impossible to maintain an adequate standard of living at average wage levels. Labor law elaborates further on these standards but allows employers to override them "if conditions warrant." In 1989 there were widespread reports of workers required to perform extra, uncompensated labor to make up for lagging production or for official holidays. Workers also reported that wages and salaries were cut when an enterprise failed to meet its production quota, even though production shortfalls were often due to the lack of raw materials or insufficient electric power.

The labor code promises Romanian workers a safe environment, and the Ministry of Labor has established safety standards for most industries and is responsible for enforcing them. In practice, however, observers report that conditions in many factories present substantial health and safety hazards. Unions theoretically also have a responsibility to protect worker health and safety. Although management and unions are reportedly aware of these deficiencies in most cases, the Ceausescu regime's emphasis on meeting production goals took precedence over safety and health factors in light of Ceausescu's insistence on rapidly paying off the foreign debt.

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and on pursuing industrial and economic development at all cost. A government-run institute devoted to worker safety and health concerns has existed since 1968. It is relatively small and does not appear capable of challenging unrealistic government production targets or eliminating hazardous working conditions, but it does work to ameliorate extreme conditions in some factories (workers receive supplementary benefits in some hazardous occupations).

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Spain is a parliamentary democracy with a constitutional monarch, Juan Carlos I. In free and open parliamentary elections in October, Prime Minister Felipe Gonzalez was elected to a third term. The fundamental rights of speech, assembly, press, religion, movement, and participation in the political process are guaranteed in the Constitution of 1978 and are respected in practice.

The security forces are under the full control of the Government. This was last demonstrated in 1988 when three police officers were each sentenced to 29 years in prison for their role in the 1983 disappearance and presumed death of a prisoner.

The Spanish economy is mixed, with primary reliance on private initiative and market mechanisms. Spain continues to experience high unemployment, although the economy is growing and unemployment dropped in August to its lowest level since October 1983. High unemployment is due in part to the entry of new workers into the labor force. Women and youth are disproportionately affected by the high level of unemployment.

In 1989 the human rights situation continued to be dominated by the protracted campaign of terrorism waged by the Basque separatist group ETA (Basque Fatherland and Freedom). The Government continued its efforts to bring individual terrorists to justice while adhering to democratic standards of due process and civil rights. Suspected terrorists arrested and charged with crimes frequently assert that they were abused by police. In 1989 there were no confirmed cases of police abuse.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were approximately 42 terrorist-related incidents from January through September 1989 in which 12 people were killed and 18 injured. Of those killed, five were Spanish National Police, one a civil guard, three military personnel, and three civilians. All of the deaths and most of the injuries occurred during actions claimed by or attributable to ETA. In July ETA shot to death two military officers as they drove down a street in Madrid. In September, also in Madrid, ETA gunmen assassinated a public prosecutor involved in the cases of several ETA terrorist suspects. Several days later, two ETA members were killed in an armed confrontation with members of the Guardia Civil. In a subsequent series of raids and arrests, Spanish authorities claimed to have effectively dismantled the "Araba Command," one of ETA's most violent cells. In September two civil guards were gravely wounded in a bomb attack on their barracks in Gerona by the Catalan separatist group Terra Lliure.

The Government held intermittent talks with ETA in Algeria during the past several years in an attempt to end the violence. The talks broke down in early 1989, however. On April 7, a 3-month truce by ETA effectively came to an end when the group set off a series of bombs. Since then, ETA has continued an intermittent campaign of bombings. Since 1987 there has been close and effective cooperation between the

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Spanish and French Governments in the fight against ETA terrorism.

Two ranking police officers are in prison awaiting trial on charges that they organized a secret antiterrorist assassination band, the Antiterrorist Liberation Group (GAL), which took credit for the killings of alleged Spanish Basque terrorists in Southern France from 1983 to 1986. They were arrested in May 1988. The delay in bringing the two policemen to trial is not unusual for a criminal case. The law provides for maximum imprisonment of 2 years before trial.

b. Disappearance

Kidnapings for ransom are occasionally carried out by ETA. There are no claims that police or government security forces carried out secret arrests or kidnapings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no documented instances of police abuse during 1989, although ETA detainees routinely charge that they are abused during detention. An improved police attitude with respect to human rights over the past several years may be attributed to enhanced police discipline, the willingness of the Government to punish improper police behavior, publicity in the press, and concern by the police unions themselves with denunciations of police misconduct.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, a person is free from arbitrary arrest and detention, and normally a suspect may not be held more than 72 hours without a hearing. The Penal Code, as reformed in 1988, permits a suspected terrorist to be held an additional 2 days without a hearing.

Exile is not practiced in Spain. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the right to a fair public trial. This right is observed in practice. Defendants have the right to be represented by an attorney, at state expense for the indigent. The right to be released on bail is guaranteed, unless the court has reason to believe a suspect may flee or constitute a serious threat to public safety. The law provides for an expeditious judicial hearing following arrest. Suspects may not be imprisoned for more than 2 years before being brought to trial. In practice, the delay generally is less than 1 year. In cases of petty crime, suspects released on bail may face a wait of as long as 5 years before their trial comes up. Following a conviction, defendants may always appeal to the next highest court. The European Court of Human Rights is the final arbiter in cases concerning human rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution protects the privacy of the home and correspondence. Under the Criminal Code, government authorities must obtain court approval before searching

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private property, wiretapping, or interfering with private correspondence. The present antiterrorist law gives discretionary authority to the Minister of Interior to act prior to obtaining court approval "in cases of emergency." There have been no complaints that the Minister has abused this authority.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government scrupulously observes the guarantees of free speech and press provided for in the Constitution. Opposition viewpoints are freely expressed in speech and through the media. In 1989 the Government approved a law allowing three new private television stations to begin broadcasts.

b. Freedom of Peaceful Assembly and Association

As provided in the Constitution, all groups have the right of free assembly and association for political or other purposes. This right is fully respected and freely practiced.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion in Spain. Roman Catholicism is the predominant religion, but other religions are represented and function with full freedom. Adherence to a particular faith neither enhances nor diminishes a person's status.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Spanish citizens have complete freedom to travel within and outside the country. The Government restricts neither emigration nor repatriation. The law on aliens permits detention of a person for up to 40 days prior to expulsion but specifies that the detention may not take place in a prison-like setting. Spain has a liberal refugee law. Generally, the Government grants refugee status on the recommendation of the United Nations High Commissioner for Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Spain is a multiparty democracy with open elections in which all citizens over the age of 18 have the right to vote. At all levels of government, elections must be held every 4 years. Opposition parties and groups take an active part in the political process.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperates readily with international human rights groups, such as Amnesty International and the International Committee of the Red Cross, as well as with independent national groups, such as the Spanish Human Rights Association. The Foreign Ministry, through an Office of Human

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Rights Affairs, takes an active interest in human rights issues internationally.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for equal rights for all citizens. Education and economic and social services are generally available to all without discrimination of any kind. An independent ombudsman actively investigates complaints of human rights abuses by the authorities. The Constitution promises equal rights to women, and the Government has indicated its intent to eliminate discrimination against women wherever it occurs.

The Women's Institute, a government agency under the Ministry of Social Affairs, actively promotes social equality, women's mobility, and the participation of women in political, cultural, economic, and social life. However, traditional attitudes result in de facto discrimination against women in a number of areas.

The Government and the largest labor union confederation are active in trying to increase public awareness of sexual harassment as a problem in the workplace. In February the Government passed a law making it easier for women to file charges of sexual harassment. The Government also funded a project to develop new schoolteaching materials designed to eliminate sexually stereotyped job roles.

The Government has identified domestic violence against women, especially wife beating, as a social problem. The Women's Institute reports that, in 1988, 14,711 complaints were filed by women against their husbands and that 11,060 of these complaints involved charges of physical abuse. Spanish law treats wife beating as a form of assault and battery. Punishment is accordingly meted out according to damage done. In 1987 a law was passed recognizing the concept of marital rape. This law took effect in 1988.

Several levels of government provide a number of institutional remedies, such as shelters for battered women. The Government also is attempting through education to change public attitudes that contribute to violence against women. The Women's Institute has charged that some judges are reluctant to get involved in what they feel should remain a domestic problem. Similarly, in smaller towns some police officers have been reluctant to accept complaints from battered women. To deal with this problem, the Ministry of the Interior initiated a program in 1986 that created special sections within police departments to deal with violence against women, staffed by specially trained women.

Gypsies are a minority group representing 3 percent of the Spanish population. Despite their constitutional rights, they suffer de facto discrimination in housing, schools, and jobs. Legal mechanisms exist by which they can seek redress, for example, from discrimination by an employer. As a practical matter, however, Gypsies do not normally seek such redress. The Government has stated its commitment to securing equal rights and treatment for Gypsies. A representative of the Gypsy community serves as special advisor to the Minister of Interior.

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Section 6 Worker Rights

a. The Right of Association

All workers except those in the military services are entitled to form or join unions of their own choosing without previous authorization. The only requisites for forming a union are a group of more than two persons and registration with the Ministry of Labor and Social Security. There are no limitations on the right of association for workers in special economic zones. According to the European Commission, 11 percent of the Spanish work force is unionized.

Under the Constitution, trade unions are free to choose their own representatives, determine their own policies, represent their members' interests, and strike. They are not restricted or harassed by the Government. A strike is legal when it fulfills the requirement of 3 days' prior notice in the private sector and 5 days in the public sector. Illegal strikes are rare. Strikes affecting essential services must respect legal minimum service requirements, which are negotiated between the Government and the unions.

Spanish unions are free to form or join federations, confederations, and international bodies. Two major unions, the General Workers Union and the Basque Solidarity Union (ELA/STV) are members of the International Confederation of Free Trade Unions and the European Trade Union Confederation. ELA/STV and the United Workers Union are also members of the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively was established by the Workers Statute of 1980. Trade union and collective bargaining rights were extended to all workers in the public sector, except the military services, in 1986. Public sector collective bargaining is restricted in those aspects that require approval of Parliament, i.e., salaries and employment levels. Collective bargaining is widespread in both the private and public sectors. Sixty percent of the working population is covered by private sector collective bargaining agreements, although only a minority are actually union members. Labor regulations in free trade zones and export processing zones are the same as in the rest of the country. There are no restrictions on the right to organize or on collective bargaining in such areas.

The law prohibits discrimination by employers against union members and organizers. Discrimination cases have priority in the labor courts. No statistics are available on the number of antiunion discrimination complaints. One practice which the unions consider discriminatory is the use by employers of temporary employment contracts. Around 26 percent of the work force is employed under this type of contract. The unions believe that employees engaging in union organizing under this type of contract are frequently not allowed to renew their contracts. This issue is the subject of a union complaint pending before the International Labor Organization.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is outlawed in Spain and is not practiced. Legislation is effectively enforced.

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d. Minimum Age for Employment of Children

The legal minimum age of employment as established by the Workers Statute is 16 years. The Ministry of Labor and Social Security is primarily responsible for enforcement. The minimum age is effectively enforced in major industries and in the service sector. It is more difficult to control on small farms and in family-owned businesses. Legislation prohibiting child labor is effectively enforced in the special economic zones. The Workers Statute also prohibits the employment of persons under 18 years of age at night, for overtime work, or in sectors considered hazardous by the Ministry of Labor and Social Security and the unions.

e. Acceptable Conditions of Work

Workers in general have substantial, well-defined rights. A 40-hour workweek is established by law. Spanish workers enjoy 12 paid holidays a year and a month's paid vacation. All workers receive 12 monthly paychecks a year plus 2 bonus checks equivalent to an additional 2 months' salary. The legal minimum wage for workers over age 18 is 14 "monthly" paychecks amounting to \$5,320 a year, which is sufficient for a worker's decent standard of living. Minimum wages for those aged 16 and 17 are less. The minimum wage rate is revised every year in accordance with the consumer price index.

Government mechanisms exist for enforcing working conditions and occupational health and safety conditions, but bureaucratic procedures are cumbersome and inefficient.

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Sweden is a constitutional monarchy and a multiparty, parliamentary democracy. The King is Chief of State. All executive authority is vested in the Cabinet, which is formed through direct parliamentary elections every 3 years and consists of the Prime Minister (Head of Government) and some 20 ministers. The Social Democratic Party, Sweden's largest, retained power in the September 1988 elections.

The police, all security organizations, and the armed forces are controlled by and responsive to the civilian government and, with very few exceptions, are scrupulous in their protection of human rights. Either the Government, the judicial system, the Parliament, or an ombudsman investigates thoroughly any allegations of human rights violations.

Sweden is an advanced industrial democracy with a high standard of living, extensive social services, and a mixed economy. Over 90 percent of businesses are privately owned.

Private persons are entirely free to express their political preferences, pursue individual interests, and seek legal resolution of disputes. Ombudsmen, appointed by the Parliament but with full autonomy, investigate private complaints of alleged abuse of authority by officials and prescribe corrective action, if required.

Respect for human rights is a basic social value that underlies Sweden's active support of international efforts to improve human rights observance. The human rights situation was largely unchanged in 1989. Some human rights organizations, such as the Swedish section of Amnesty International, again complained about human rights violations, particularly with reference to refugees seeking asylum who are rejected at the border. There have also been complaints about individual Kurds who have been found deportable as suspected terrorists. They have not been deported, however, since they would face possible death penalties or other severe punishments in their countries of origin. These Kurds are restricted to their resident municipality and are not free to travel in Sweden.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Killing for political motives by the Government or by domestic opposition groups does not occur.

b. Disappearance

Abduction, secret arrests, and clandestine detention by Swedish authorities do not occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Swedish law prohibits these abuses, and such prohibitions are respected by Swedish authorities. Occasional accusations against individual policemen for excessive use of force in connection with arrests are carefully investigated and have not produced evidence of a systematic problem. Three police

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officers were suspended and six subjected to other disciplinary actions after investigations.

After a report was made public about the degrading treatment of some detainees, the Swedish Red Cross offered to provide Swedish citizens as witnesses to assist foreign detainees in Stockholm police custody. No actual proof of degrading treatment could be found, but two guards were given other assignments.

d. Arbitrary Arrest, Detention, or Exile

Statutory guarantees of individual liberty are observed. Persons disturbing public order or considered dangerous may be held for 6 hours without charge. Criminal suspects may be held no longer than 12 hours without formal charges. If a person files for bankruptcy and refuses to cooperate with the official investigation, a court may order detention for up to 3 months (with judicial review every 2 weeks). Arrest is public and by warrant. Legislation that took effect in 1988 to reduce the time between detention and arraignment from 5 days to 48 hours has been criticized, particularly by prosecutors. The short time during which prosecutors have to reach a decision has led to an increase in arraignments. In particularly difficult cases, the time between arrest and the first court hearing may be extended to 96 hours. Bail does not exist, but suspects not considered dangerous or likely to destroy evidence are released to await trial. By law, Swedish citizens may not be deported. Convicted foreign criminals are often deported at the conclusion of their prison terms, unless they risk execution or other severe punishment at home.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution forbids deprivation of liberty without public trial by a court of law. The judiciary functions freely and independently. The accused has the right to counsel. Since 1983, however, budget cutbacks have restricted the availability of public defenders to cases where the maximum penalty could be a prison sentence of 6 months or more. Convicted persons may appeal to a court of appeals, and in some cases also to the Supreme Court. There are no military courts in peacetime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from these offenses is provided for by law. Home searches are limited to investigations of crimes punishable by at least 2 years' imprisonment, such as murder, robbery, rape, arson, sabotage, counterfeiting, and treason. Search warrants are granted only on the basis of well-founded suspicion. Wiretaps are permitted only in cases involving narcotics or national security. Searches and wiretaps normally require court approval. When the time factor is critical, or when life is believed to be in immediate danger, the ranking police officer may approve these measures. Limitations on such police decisions were introduced in 1988.

Human rights groups in Sweden have expressed concern about the increased number of wiretaps. The number of persons subjected to wiretaps, excluding those in connection with the Palme murder investigation, reached a high of 414 in 1984 but

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dropped to 213 in 1986 and to 197 in 1987. There have been public reports that illegal wiretaps and bugging were used by the Swedish secret police both in the Palme murder investigation and in a case involving a Soviet diplomat who later was expelled for industrial espionage. These reports, which caused a political scandal, are to be investigated by the parliamentary Constitutional Committee.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Swedes enjoy these freedoms fully. Newspapers and periodicals are for the most part privately owned. Government subsidies to daily newspapers, regardless of political affiliation, assure the expression of differing opinions. Swedish radio and television broadcasting is a government monopoly. An increasing number of Swedes are able to view foreign television broadcasts on cable.

Publications containing sensitive national security information as well as film and television programs portraying excessive violence are subject to censorship. Commercial video tapes are also screened and banned if they contain scenes of unacceptable violence.

b. Freedom of Peaceful Assembly and Association

Swedes exercise these freedoms without restraint. Public demonstrations require a police permit, for which applications are routinely approved.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Swedes have unimpaired religious freedom. There is a state Lutheran Church, supported by public funds, but all faiths are freely observed. Parents have full freedom to teach their children religious practices of their choice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and from the country and voluntary repatriation are guaranteed by law and respected in practice. Refugees, displaced persons, and others seeking political asylum are on the whole generously treated, though long waits and denial of asylum requests from applicants not meeting internationally agreed criteria have become common.

Some travel restrictions were imposed on certain Kurds, who were to be deported after serving prison terms for terroristic crimes. Since it was legally impossible to deport the Kurds, because they faced possible execution or other severe penalties in their home countries, Swedish authorities have restricted their movement to their respective communities of residence.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sweden has a long history of vigorous democratic political life within a representative, multiparty parliamentary

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system. The 349 seats in the unicameral Parliament are divided proportionally among the 6 political parties currently represented. To enter Parliament, a party must win a minimum of 4 percent of the votes cast. For the first time in 70 years, a new party, the Greens, secured enough votes to be represented in Parliament. There is universal suffrage above the age of 18. Voting is not compulsory, but approximately 85 percent of eligible voters participated in the 1988 election. Aliens who have been legal residents for at least 3 years have the right to vote and run for office in municipal elections. There has been periodic discussion about extending this right to national elections.

Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Ombudsmen serve as official governmental monitors of individual rights in Sweden, effective both in making citizens aware of their rights and publicizing and correcting abuses of state authority. Active private organizations monitor issues such as the impact on individuals of comprehensive social legislation and the condition of the native Lapp population. Government agencies are in close contact with a variety of local and international groups working in Sweden and abroad to improve human rights observance. State-supported Stockholm University offers instruction in making human rights complaints to bodies such as the European Commission of Human Rights. The Government also published a pamphlet on the matter in 1989, which was widely distributed free of charge.

In 1989 Sweden was criticized in three instances for violations of human rights by the European Commission of Human Rights. In all three cases, Swedish authorities took steps to provide redress to the complainant. Sweden is a member of the United Nations Human Rights Commission (UNHRC).

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Basic human needs for the entire population are thoroughly met without discrimination. The State provides social welfare and medical services, benefits to families, pensions, and disability and unemployment insurance. The Government runs special programs to help immigrants adjust to Swedish life and culture (including 240 hours of paid language instruction).

Two of Sweden's 284 municipalities refused to permit refugees to settle in them. Both the Government and the political parties tried to persuade these communities to change their attitude. In a local referendum in connection with the 1988 elections, 70 percent of the voters in one municipality voted to exclude refugees. The mayor of that town was expelled from his party, the Center Party. However, studies show that a majority of Swedes have a positive attitude towards refugees.

Certain refugee groups, particularly those from the Middle East, complained that their relatives had difficulties in obtaining visitor visas for Sweden. Sweden has been restrictive in issuing such visas because many of these visitors apply for asylum upon arrival in Sweden.

The Government supports groups working against racism. Swedish schools seek to provide education and information designed to counter racist tendencies. In 1986 the Government

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appointed a special ombudsman to deal with complaints of racism and discrimination. As a result, the number of civil and criminal complaints being filed has increased.

In October 1985, the UNHRC carried out a study on Sweden. The Commission commented upon the fact that Sweden lacks forceful legislation against racism. Sweden's answer was that such legislation would not be compatible with the Swedish Constitution, which guarantees full freedom of speech and the right to form organizations. However, a government commission was set up to study methods of stopping racist groups. The Commission presented its final report in February 1989. The report recommended legislation banning extremist racist groups and additional measures to discourage expressions of racism. The Government is studying the Commission's recommendations.

Institutionalized efforts to extend equality between the sexes continue. A law adopted in 1988 aims at promoting equality in five general areas: in the labor market, in education, within families, and in terms of women's role in the economy and women's influence in society. A public ombudsman, called the Equality Ombudsman, investigates complaints of sex discrimination in the labor market. Employers are required to base hiring decisions on merit and to pursue actively the goal of equality.

Abuse against women has received a great deal of attention by the Government. Studies have been conducted to survey the cause and pattern of rapes and other forms of abuse. A temporary increase in street rapes in 1988 was the reason for one of the studies, but the rape rate during 1989 has been at the same level as in 1987. Thirty-six percent of convicted rapists were foreign nationals, although immigrants make up only 10 percent of the population. Researchers, however, believe that one cause for this may be that rapes perpetrated by foreign nationals are reported more frequently than those committed by native Swedes.

In recent years, many old laws have been amended and new laws added to protect abused women from having their abusers contact them or find out their whereabouts. In a few cases women have been helped to obtain new identities and homes. Both national and local governments support voluntary groups that provide shelter and help to abused women. The Government is continuing to investigate whether the increase in reported rapes and abuse of women represents an actual increase or reflects an improved awareness by women of their rights. Men who rape or abuse women are provided rehabilitative treatment.

Section 6 Workers Rights

a. The Right of Association

Workers have the right to associate freely and to strike. A large majority of the working population, including career military personnel and civilian government officials, belongs to trade unions. Unions conduct their activities with complete independence from the Government and freely affiliate with international organizations.

Several strikes took place in 1989, some of them wildcat strikes. Most strikes were in the public sector in protest against reductions in the work force and the failure to meet demands for large salary increases.

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b. The Right to Organize and Bargain Collectively

Workers are free to organize and bargain collectively. Swedish law fully protects workers from antiunion discrimination and has sophisticated and effective mechanisms for resolving disputes and complaints. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited in law and does not exist in Sweden.

d. Minimum Age for Employment of Children

Compulsory education ends at age 16, and full-time employment is normally permitted at this age under supervision of local municipal or community authorities. Young people under age 18 may work only during daytime and under a foreman's supervision. During the summer and in vacation periods, children as young as 13 years of age may be hired for part-time work or light "summer jobs" for periods of 5 days or less, although it is rare for young people under 15 years of age to find a job except with family members.

e. Acceptable Conditions of Work

There is no minimum wage law. Wages are set by collective bargaining contracts which typically are applied in nonunion establishments as well. Even the lowest paid workers are able to maintain a decent standard of living. A designated and trained trade union steward monitors observance of the regulations governing working conditions.

The standard legal workweek is 40 hours, although collective bargaining agreements can provide for shorter or longer workweeks. The amount of permissible overtime is also regulated, as are rest periods. Sweden has a vacation law which guarantees all employees a minimum of 5 weeks' paid annual leave. A gradual increase to 6 weeks' annual leave will take effect by 1993.

Occupational health and safety rules are closely observed. Safety ombudsmen have the authority to stop life-threatening activity immediately and call for a labor inspector. The Swedish courts have upheld this authority. Swedish authorities are studying as many as 400,000 jobs to compile a list of those that are most dangerous and cause long-term health problems, and are actively trying to improve the situation for those employees.

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Switzerland is a constitutional democracy with a federal structure. Federal legislative power is vested in a bicameral legislature. Given its linguistic and religious diversity, Switzerland has developed a political system based on considerable autonomy for its 26 cantons and on local and national political consensus.

The Swiss armed forces are a militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff functions. Police duties are primarily a responsibility of the individual cantons, which have their own distinct police forces. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement.

Switzerland has a mature, free-enterprise, industrial and service economy which is highly dependent on international trade. There has been virtual full employment and labor peace for many years. The standard of living is one of the highest in the world.

There were no significant human rights problems during 1989. Switzerland maintained its own strong association with human rights issues, exemplified by hosting the U.N. Human Rights Commission in Geneva. The headquarters of the the International Labor Organization and the International Committee of the Red Cross are located in Switzerland.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no political killings.

b. Disappearance

There were no reports of abductions, secret arrests, or clandestine detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides freedom from all of the above, and there were no allegations of any violations.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest, detention, or exile is provided by law. A detained person may not be held longer than 24 hours without a warrant of arrest issued by the magistrate conducting the preliminary investigation. A suspect must immediately be shown the warrant and has the right to contact legal counsel as soon as a warrant is issued. A suspect may be detained with a warrant until an investigation is completed, but the length of investigative detention is always reviewed by higher judicial authority, and investigations are typically completed quickly. Release on personal recognizance or bail is granted unless the examining magistrate believes the person is a danger to society or will not appear for trial. There is no summary exile, nor is exile used as a means of political

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control, although non-Swiss convicted of crimes may receive sentences which include denial of reentry for a specified period following completion of a prison sentence.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for public trials. All courts of first instance are cantonal courts, with right of appeal to the Federal courts and freedom from interference by other branches of government. Minor cases are tried by a single judge, difficult cases by a panel of judges, and murder or other serious crimes by a public jury. Even the most serious cases are usually brought to trial within a few months. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reported violations of this nature by Swiss authorities. Police entry into the premises of a person suspected of a criminal offense is regulated by cantonal legislation. Regulations differ widely among the cantons.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. Groups or associations determined to be a potential threat to the State may have restrictions placed on their freedom of speech and press. No groups or associations are so designated at the present time. Broadcast media are government funded but possess editorial autonomy, and foreign broadcast media are freely available. Press and publishing are private enterprises operated without government intervention. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The only restriction on peaceful assembly and association is a requirement to obtain permits from police authorities before holding public meetings. These are routinely granted unless authorities have reason to believe the meeting will lead to violence.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Switzerland enjoys religious freedom. There is no single state church, but individual cantons may support a particular church out of public funds, and most cantons do so. Foreign clergy are free to perform their duties in Switzerland. The legal requirement for universal male military service provides no exemption for conscientious objectors. They may apply for military service which does not entail bearing arms, but in the past refusal to serve has nearly always led to prosecution and conviction. Efforts continued during 1989 to develop alternative service for those claiming exemption for reasons of conscience.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swiss citizens have freedom to travel in or outside the country and can emigrate without difficulty. Switzerland has traditionally been a haven for refugees, but public concern over the growing number of asylum seekers, many of whom come for economic reasons, sparked a government review of existing policy. Although some asylum seekers were forced back into Italy as they attempted to cross the border, there were no cases of refugees being forced to return to countries in which they fear persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Switzerland is a highly developed constitutional democracy. There is universal adult suffrage by secret ballot in Federal elections. Elections are free and actively contested by four major national parties and at least a dozen significant regional or minor parties. Initiative and referendum procedures provide unusually intense popular involvement in the legislative process. Participation by women in politics has been limited historically but continues to expand slowly. One of the smallest and most rural of the 26 cantons still excludes female suffrage at the cantonal level.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Switzerland cooperates with international and nongovernmental groups in all areas of human rights. All major international human rights groups are active in Switzerland, and some of the leading ones--e.g., the United Nations Human Rights Commission and the International Committee of the Red Cross (ICRC)--are based there. The ICRC is made up of Swiss nationals, and Swiss play prominent roles in other humanitarian nongovernmental organizations. Human rights advocacy groups in Switzerland concern themselves almost exclusively with lobbying the Swiss and other Governments about human rights situations in other countries. During 1988 the European Court of Human Rights found against Switzerland in a case of a complaint by a woman who alleged that her legal rights had been violated by an investigating magistrate in one of the cantons. The Swiss changed legal procedures in 1989 to prevent any repetition of this problem.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although the Constitution prohibits discrimination against women in the workplace, government and other sources noted in 1989 that further implementation was necessary to ensure equal pay and other benefits for women. Switzerland created a special government office of equal rights for men and women to address this problem. A Federal Commission for Women's Rights and several private groups, such as the Federation of Women's Organizations, monitor and promote women's rights. The discrimination that persists today is typically social, not legal, but it nevertheless hinders opportunities for women in fields that have been traditionally dominated by men.

Swiss policymakers have become aware in recent years of the issue of violence toward women. Observers believe that many

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cases go unreported, so that accurate statistics are lacking. There is, however, widespread agreement that a problem exists. The Federation of Women's Organizations and other women's advocacy groups have heightened public consciousness. Each city has an emergency telephone number through which women who are victims of violence can obtain help and counseling. Specialists work with police authorities to interview women who report attacks. Appropriate laws exist against wife beating and similar crimes, although there is some disagreement among Swiss as to whether existing law adequately prohibits spousal rape. While the penal code is established at the Federal level, enforcement is the responsibility of the cantons. Thus, variations in enforcement can occur.

Italian and Romansch linguistic minorities (respectively about 10 and 1 percent of the population) express concern that the limited resources made available to them by the Federal Government endanger the continued intellectual vitality of these languages. Some argue that this amounts to deprivation of freedom of speech. The Federal Government's announced policy is to ensure, through careful apportionment of funds, that all linguistic groups have commensurate facilities and means to carry out cultural activities in their own languages. Employment opportunities and residence permits are limited for foreigners. Some assert that this reflects racial prejudice and discrimination, but these limitations apply to all non-Swiss. There is no discrimination on religious grounds.

Section 6 Worker Rights

a. The Right of Association

All workers, including foreign workers in Switzerland, have freedom to associate freely, to join unions of their choice, and to select their own representatives. Unions are free to publicize their views and determine their own programs and policies to represent member interests without government interference. Unions may join federations or international bodies. Swiss trade union federations belong to the International Confederation of Free Trade Unions and the World Confederation of Labor, as well as to the European Trade Union Confederation. The right to strike is legally unfettered, but a unique labor peace agreement between unions and employers has provided a nearly strike-free environment for over 50 years.

b. The Right to Organize and Bargain Collectively

Swiss law provides workers the right to organize and bargain collectively and protects workers from acts of antiunion discrimination. The industrial sector is generally unionized; in the service sector, union membership is less general. The Government encourages voluntary negotiations between employer and worker organizations, although for the most part employers and workers alike (in common with most Swiss institutions) seek successfully to exclude the Government from involving itself in their affairs. There are no export processing zones in Switzerland.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor. While there is no specific statute or constitutional ban on compulsory labor,

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legislation regulating conditions of employment and, specifically, the rights of a worker upon terminating employment, make clear that compulsory labor would be illegal.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 15 years. Children over 13 may be employed in light duties (e.g., helping in retail stores) for not more than 9 hours a week during the school year and 15 hours otherwise. Employment between ages 15 and 20 is strictly regulated. For example, youths may not work at night, on Sundays, or under hazardous or dangerous conditions. These laws are observed in practice and enforced through inspections by the Federal Office of Industry, Trades, and Labor.

e. Acceptable Conditions of Work

There is no national minimum wage. Employer associations and unions negotiate industrial wages during the collective bargaining process. The Labor Act established a maximum 45-hour workweek for blue- and white-collar workers in industry, offices, and retail trades, and a 50-hour workweek for all other workers. The workweek for blue-collar workers in most industries is 43 hours and for white-collar workers 40 to 43 hours. Overtime is limited by law to 120 hours annually. The economy is normally at or near full employment. The resulting take-home pay provides Swiss workers and their families with a standard of living that is among the highest in the world.

The Labor Act and The Federal Code of Obligations contain extensive regulations to protect worker health and safety. The regulations are enforced, providing a high standard of worker health and safety. Female workers may not be employed in dangerous work, and women in industrial enterprises may not work at night or on Sundays. These special protections came under review in 1989. The Government proposed to eliminate restrictions against female Sunday or weekend work in its effort to remove sexist bias from the labor law. There were no allegations of worker rights abuses from any domestic or foreign source.

TURKEY

Turkey is a republic with a multiparty parliamentary system and a relatively strong presidency. The Grand National Assembly elected Prime Minister Turgut Ozal as President to succeed Kenan Evren in November. Yildirim Akbulut of the right-of-center Motherland Party, which won a 5-year mandate in national elections in 1987, became Prime Minister. In nationwide municipal elections held in March, the Motherland Party obtained 21 percent of the vote. Opposition parties have so far called unsuccessfully for early elections.

The Turkish National Police in the cities and the Jandarma in the countryside are responsible for maintaining public order. A legal "state of emergency" continues to exist in eight provinces in the southeast, where the Turkish Government is combatting Kurdish terrorists. The state of emergency allows the civilian governors to exercise certain quasi-martial law powers.

Turkey has a mixed economy with state-owned, publicly owned, and privately owned companies and a significant agricultural sector. The Government has liberalized the economy in recent years and given it a strong, free market, export orientation. Approximately 80 percent of 1989 exports were industrial goods. After several years of rapid growth, the economy has stalled, and the gross national product grew at a rate of less than 1 percent in 1989. Unemployment, running at approximately 15 percent, and inflation, which climbed to an annual rate of 75 percent in 1989, remain serious problems.

Although Turkey in 1988 ratified the United Nations and the European Conventions Against Torture, continuing instances of torture were the principal human rights problem in 1989. Other concerns included restrictions on incommunicado detention, use of excessive force against noncombatants in efforts to suppress Kurdish terrorists, freedom of expression, and various forms of discrimination against Kurds. Charges of torture persisted. Almost always, they arose out of police interrogations that took place during preliminary investigations when suspects were held in incommunicado detention and before they had been allowed access to counsel.

Draft legislation introduced in September to allow detainees access to legal counsel within 24 hours was preempted by a Prime Ministry circular ordering detainee access to attorneys, but most detainees do not receive immediate access in practice. Also in September, the Government submitted a bill to Parliament which would shorten the time a detainee may be held for investigatory interrogation. In November, the main opposition Social Democratic Populist Party submitted to Parliament draft legislation to repeal Articles 141, 142, and 163 (so-called thought crimes). The Justice Committee is currently considering it. At year's end, the Government was edging toward its own proposal to amend these three articles. The Government may ease some provisions but now appears unlikely to support full repeal. The Government announced its intention to consult with the two opposition parties represented in Parliament while drafting a proposal. The Government also announced that it would accept decisions of the European Court of Human Rights without reservation.

The press is active and criticizes the Government vigorously. But certain penal code articles and laws restrict full freedom of expression, both for individual persons and the press. In December President Ozal acknowledged publicly the need to

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change these laws but said time is needed to develop a national consensus. Prosecutors continue to apply these laws aggressively although court decisions in general continue to expand the scope of press and individual freedom of expression. Women enjoy full legal equality with men but continue to be subject to economic and other discrimination owing to traditional social attitudes.

The Government rejects the assertion of a separate cultural identity for Muslim groups, such as those of Kurdish ethnic origin. Publishing materials in Kurdish or writing about Kurdish history is prohibited and has resulted in imprisonment, and entertainers have been arrested for singing Kurdish songs in public performances. However, political leaders and the Parliament are now discussing Kurdish issues more openly. Parliamentarians of all parties, including some members of the ruling Motherland Party, have called for easing restrictions on speaking Kurdish and expressions of Kurdish culture. The opposition Social Democratic Populist Party introduced a repeal bill to Parliament in November, but no action had been taken by year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known politically motivated, unlawful killings instigated by government or political opposition groups. There have been allegations of death by torture of detainees in police custody (see Section 1.c.). Kurdish terrorists active in the southeast murdered numerous fellow Turks of Kurdish origin; and Jandarma searches for Kurdish Workers Party (PKK) terrorists are alleged to have resulted in expulsions, beatings, torture, and arbitrary killings of innocent civilians (see Section 1.d.).

b. Disappearance

There were no known disappearances caused by government forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 17 of the 1982 Turkish Constitution states that "no one shall be subjected to torture or ill treatment incompatible with human dignity." In 1988 Turkey ratified both the Council of Europe Convention for the Prevention of Torture and the U.N. Convention Against Torture. However, credible allegations of torture continued in 1989. A carefully researched report by the New York Bar Association in 1989 concluded that torture was widespread in Turkish police stations and that the Government thus far has taken only limited steps to implement its obligations under pertinent international conventions. Suspects in common and political crimes frequently appear to be tortured by the police during initial interrogations while held incommunicado. Critics and former detainees accused the police of employing such methods as beatings on the soles of the feet, cold water hoses, electric shocks, and hanging by the arms. Where torture did not occur, they charged that beatings and psychological abuse were common. Contacts with former detainees and others indicate that these sorts of abuse did, in fact, occur.

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Allegations of torture are difficult to prove or disprove since government-ordered medical examinations generally take place after signs of abuse would have disappeared. The Ankara Medical Association in June banned one doctor for 6 months because she had allegedly issued certificates saying detainees had not been tortured, when in fact they had.

In September the parliamentary Justice Committee, with the aid of experts from the Ministry of Justice, initiated draft legislation which could effectively eliminate the practice of incommunicado detention by allowing detainees prompt access to legal counsel and by permitting lawyers to be present during police interrogations. In September a Prime Ministry circular ordered prosecutors to allow detainees immediate access to counsel. According to the circular, suspects detained for individual crimes are allowed access to an attorney within 24 hours, and those detained for collective crimes are allowed such access within 48 hours. Thus far, few detainees have benefited from the circular because, in practice, the prosecutor's office must approve the suspect's request to see an attorney. In October the Ministry of Justice clarified the circular--although to what effect is unclear--stating that prosecutors should not deny detainees' requests to meet with their attorneys.

In September the Council of Ministers introduced a bill in Parliament to reduce the period a suspect could be detained prior to formal arraignment in State Security Court and criminal court cases from 15 to a maximum of 10 days. In "collective" or group conspiracy crimes, detention would last 4 days, extendable up to 10 days if requested by the prosecutor. Those accused of individual crimes could be held only 48 hours. The proposal would not take effect in the eight southeastern provinces currently under a state of emergency. Here authorities could continue to hold detainees up to 30 days. The Government also announced it would accept the European Court of Human Rights' decisions without reservation.

Government officials in 1989 still asserted that torture was neither widespread nor systematic. Compared to the nature and number of torture allegations, however, the number of actual prosecutions was low and the sentences disproportionately mild. In October two police officials from Hatay were sentenced to prison terms of 4 years and 3 months for a torture-death in 1985. Accused officials are generally allowed to work and draw salaries until convicted, and they may benefit from the Turkish law that reduces all sentences by one-third for good behavior.

It is unclear how many, if any, people died of torture during 1989. In one claim filed with the Turkish Human Rights Association, the petitioners asserted that Adem Satilmis, accused of theft, died in the Ankara Central Prison on May 30 as a result of torture administered in the course of an interrogation the week before. The examining doctor's report noted that the cause of death was "suspicious."

In February the Ministry of Foreign Affairs, trying to refute Amnesty International claims that more than 100 people died of torture while being detained in Turkish prisons in the 1980's, issued a statement that police had found evidence of torture in "only" 32 deaths, 3 of which occurred in 1988. In a later clarification, it declared that "only" 14 deaths could be

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ascribed to torture, though investigation into 12 other cases was continuing.

Torture is not practiced in Turkey's prisons. However, Jandarma and guards have beaten prisoners in the course of searches, particularly following the discovery of escape tunnels. Two prisoners who had been participating in an organized hunger strike died in the course of being transferred to another prison. The authorities ascribed their deaths to dehydration, but others allege the two had been beaten.

d. Arbitrary Arrest, Detention, or Exile

Except in limited circumstances, such as when a person is caught in the act of committing a crime, a prosecutor must issue a detention order. This can lead to 15 days of detention under present legislation. In provinces under a state of emergency (currently 8 in the southeast), the detention period may be extended to 30 days. Once formally charged, a detainee is arraigned before a judge and allowed to retain a lawyer.

Under existing legislation, a detainee's next of kin must normally be notified "in the shortest time" after arrest. A detainee does not have the right to bail; the arraigning judge may release the accused on presentation of an appropriate guarantee or order him held in preventive detention if the court determines that he is likely to flee or destroy evidence.

The Constitution specifies the right of detainees to request "speedy conclusion of arraignment and trial." Nevertheless, judges have ordered a significant number of persons detained while their cases progress, sometimes for a number of years. While many cases involve persons accused of violent crimes, others involve simple membership in illegal organizations.

There is no formal external exile. The Government has refused to renew the passports of a number of Turks working abroad who have refused to return home to face court charges or perform military service. These persons may apply to the Interior Ministry for permission to return to Turkey. Internal exile is legal but is rarely invoked.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Turkish court system and judicial procedures are modeled on Italian (criminal) and Swiss (civil) law codes. Defendants normally have the right to an open trial.

The Constitution declares that judges shall be independent in the discharge of their duties and provides for the security of their tenure. It also prohibits authorities from giving orders or recommendations concerning the exercise of judicial power. In many instances, charges brought by the prosecutors are dismissed by the courts.

Eight state security courts try defendants accused of terrorism or other offenses against the security of the State, including drug smuggling and membership in an illegal organization. The same standards of evidence and general rules of procedure are required as in ordinary courts. A conviction or acquittal in either system may be appealed. If

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an appeals court overturns a lower court's guilty verdict, the case is sent back to the lower courts for reconsideration. If the lower court insists on its original verdict, the case is returned to the appeals court for a binding opinion. The court provides counsel for indigents in all cases.

In some cases, particularly capital cases, appeals to the Supreme Court or to the High Court of Military Appeals are mandatory and automatic. If a death sentence is confirmed by an appeals court, it must be approved by the Council of Ministers, then by the Parliament, and finally by the President. No death sentence has been carried out since 1984.

Two martial law courts in Istanbul and Ankara are still conducting trials relating to arrests made during the martial law regime following the 1980 military takeover of power. Most of these arrests date from the early 1980's. At least one mass trial involving Dev-Sol (Revolutionary Left), with 1,400 defendants, is still continuing in Istanbul. The total number of defendants in detention being tried or awaiting trial in the martial law courts probably numbers several thousand.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication. Government officials may enter a private residence and intercept or monitor private correspondence only upon issuance of a judicial warrant.

In the eight provinces under a state of emergency, the governor (or regional governor) may empower authorities to search residences or the premises of political parties, businesses, associations, and other organizations without a warrant. Authorities may also search, hold, or seize without warrant persons, letters, telegrams, and documents. There is some evidence that these powers have been used for political purposes, particularly against activists involved in opposition parties and the labor movement.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Since 1984 several thousand violent Kurdish separatists, mostly members of the illegal PKK, have conducted a campaign of terrorism in southeast Turkey against security forces as well as against fellow Turks of Kurdish origin who do not support them. According to November government figures, 193 security force members and 326 civilians have been killed in terrorist incidents in the southeast since July 1987. In the same period, security forces killed 308 terrorists. The summer of 1989 saw an expansion of PKK activity, despite extensive security operations and government efforts to create better economic conditions for the inhabitants of the region.

Attempts by security forces to evacuate some villages in order to facilitate operations were halted after well-publicized public outcries. Other villagers claimed that the activities of both the PKK and government security forces compelled them to leave their homes. Villagers complain that Jandarma searches for PKK terrorists and for evidence of local support for them have resulted in expulsions, beatings, torture, and arbitrary killings of innocent civilians. In January

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villagers in Yesilyurt in southeastern Turkey accused Jandarma members of having tortured them and having forced them to eat human excrement. A Jandarma major is currently on trial for his involvement in this incident.

In July opposition Social Democrat Populist Party deputy Fuat Atalay and the victim's family claimed that Osman Esendemir, a villager from Siirt province suspected of being a PKK member, had been tortured and killed by village guards under the command of local security forces.

In August the governor of a province under a legal state of emergency expelled eight people from the area for a period of up to 3 months. The action was extensively reported and criticized in the print media; the regional governor affirmed that it is unlikely this power will be invoked again and suggested the length of expulsion might be reduced.

In September the Government opened an investigation into the killing of six villagers by security forces near Silopi in southeastern Turkey. Villagers claimed that the six were innocent and not PKK terrorists as the security forces claimed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Turks are generally free to speak their mind. The press, which is in private hands and which reflects a wide spectrum of opinion, does not hesitate to criticize the Government. There is no government newspaper; all papers reflect opposition views to a greater or lesser extent.

Nonetheless, a number of restrictions on freedom of speech exist. The criminal code has longstanding prohibitions on speech or writing considered threatening to the democratic and secular system of government and the security of the State. These proscriptions apply to: advocacy or activities on behalf of a government based on class or racial domination (e.g., communism or fascism); the establishment of a theocratic state (e.g., Islamic fundamentalism); or the creation of a separate state on ethnic lines (e.g., Kurdish separatism). Violations of these articles may result in the death penalty, although in practice no one has been sentenced to death in recent years for violating Articles 141, 142, or 163. A government-sponsored bill in Parliament in September proposed that the death penalty no longer apply to such offenses.

While it is permissible to criticize government leaders or policies, the criminal code also provides penalties for those who "insult the President, the Parliament, and the Army," ranging from a 3-year minimum sentence for insulting the President to a 6-year maximum for insulting the other branches of government. Judges have generally been rigorous in examining the evidence and have dismissed many charges brought under these laws, but aggressive application of the law by prosecutors has resulted in arrest and long and expensive trials in many cases.

Public prosecutors have used these laws to harass dissidents, real or imagined. To cite one example, a 15-year-old high school student was detained for 3 months on a charge of having spread "Communist propaganda" by drawing a Soviet flag and writing "long live the workers" in his school notebook. The

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prosecutor asked for a sentence of 7 1/2 to 15 years. The student was acquitted by a court in October, but only after missing a year of school.

Publications must designate a "responsible editor" who is legally accountable for a publication's contents. Many have faced repeated criminal proceedings. Fatma Yazici, one-time responsible editor for the leftist magazine, Toward the Year Two Thousand, was sentenced in absentia to 6 years and 3 months in prison for publishing an article entitled "Decisions of the Kurdish Workers Party Conference." Ms. Yazici faces a total of 17 1/2 years' imprisonment for four convictions related to her editorial activities. She has not surrendered for sentencing and is presumed to have gone into hiding. On the other hand, the Istanbul State Security Court acquitted Milliyet reporter Mehmet Ali Birand and responsible editor Eren Guvener in April for having published a series of interviews in Syria with PKK leaders.

Obscenity laws have resulted in the confiscation and banning of numerous publications and films, among them a Turkish reissue of Henry Miller's "Tropic of Capricorn." Libel laws have halted newspaper articles critical of government leaders, including a series highly critical of then Prime Minister Ozal that appeared in the mass-circulation newspaper Sabah in April. At the same time, an equally critical book on the then Prime Minister has headed the Turkish bestseller list during the past year.

The number of people held under laws restricting speech and political activities is difficult to estimate but may total 5,000 at the current time. Further breakdowns are difficult to obtain. Some are held or convicted for their writings or ideas; others are held under these laws for being members of proscribed organizations or acting upon their ideas in a way deemed detrimental to the security of the State. According to a newspaper article appearing in February, 26 editors were currently serving sentences, and 2,792 writers, translators, and journalists had been prosecuted since the Motherland Party came to power in 1983. The vast majority of those held under these laws are leftist, but a number of rightwingers, generally religious conservatives, are being held as well.

Turkish radio and television (TRT) is a government monopoly. Opposition figures and many of their supporters believe that TRT's broadcasts and news coverage have a strong progovernment bias, despite coverage of opposition leaders and their parties. A government commission apportions party access to television and radio during election and referendum campaigns based on the percentage of parliamentary seats each party holds. Works of certain leftist writers and Kurdish performers are said to be banned from broadcast on TRT for political or cultural reasons.

b. Freedom of Peaceful Assembly and Association

Peaceful assemblies are permitted with prior approval from the authorities. Requests for such assemblies are generally granted, but assemblies are restricted to sites chosen by the authorities.

The law on associations reflects concern over the involvement of some organizations in the violence which preceded the military intervention of 1980. It prohibits associations from having ties to political parties or engaging in political

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activity. Associations must submit their charters for government approval before they are allowed to form.

The Constitution and the law governing political parties proscribe student and faculty involvement in political activities. Political parties may not form youth branches. Students and professors, however, may participate in politics and political parties as individuals, and a number of academicians have been elected to Parliament.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Turkey is a secular state. The Constitution provides for freedom of belief, freedom of worship (if in a public building, the building must be specifically designated for this purpose and approved of by the State), and private dissemination of one's religious ideas.

Turkey's population is overwhelmingly Muslim. Although Turkey is a secular state, religious instruction, heavily weighted toward Islamic prayer rituals, is compulsory for all students, Muslims and non-Muslims alike.

Prosecutors view proselytization and religious activism on the part of Islamic fundamentalists and Christian evangelicals with suspicion, especially when their activities are seen to have political overtones. Islamic fundamentalists have been charged with membership in illegal organizations or advocating a theocratic state. Courts dismissed all charges brought against Turkish and foreign evangelical Christians in 1988. The police, nevertheless, have on occasion refused to renew evangelicals' residence permits or have taken steps to expel them from the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Turkish citizens enjoy freedom of movement within Turkey and are generally free to travel abroad. The Constitution provides that a citizen's freedom to leave may be restricted on account of the national economic situation, civic obligations (generally military service), or criminal investigation or prosecution.

During the spring and summer of 1989, Turkey generously accepted an influx of over 300,000 Bulgarian Turks escaping a forcible assimilation policy in Bulgaria that denied them the right to use their names, their language, and their cultural identity. Turkey has pledged to receive and resettle, over time, all such people coming from Bulgaria. At year's end about 70,000 had returned to Bulgaria. Some 35,000 Iraqi Kurdish refugees who arrived in the late summer of 1988 remain in camps in the southeast. Of the 60,000 Iraqi Kurds who originally came, a few thousand have returned to Iraq; over 20,000 went to Iran; and slightly over 300 have been resettled in France. Several hundred thousand Iranians remain in Turkey. Turkey serves as a de facto country of first asylum and safe haven for many of them; it neither grants them legal refugee status nor requires visas.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Turkish citizens have the right and ability to change their government peacefully, within certain legal constraints. Turkey has a multiparty, presidential parliamentary system. Three parties are represented in Parliament: the governing Motherland Party, and the opposition Social Democratic Populist and the Correct Way parties. The opposition parties are vigorous and outspoken. Elections for public office are on the basis of mandatory universal suffrage for those over 21 and a secret ballot.

Turkey's President is elected by Parliament for a single 7-year term. Prime Minister Turgut Ozal was elected President on October 31, 1989.

Parliamentary seats are allocated on a weighted proportional representation basis. Under a "barrage" system, the Turkish election law excludes parties obtaining less than 10 percent of the total national vote. This measure is intended to prevent political fragmentation and recurrence of the parliamentary paralysis of the late 1970's. The law is designed to allow a party which obtains a plurality of the popular vote to obtain a strong majority in Parliament. In the November 1987 parliamentary elections, a 36-percent plurality of the popular vote gave Prime Minister Ozal's Motherland Party 292 seats (65 percent) in the 450-member unicameral Parliament.

The Constitution provides equal political rights for men and women. Members of minorities, Muslim and non-Muslim, face no legal limitations on political participation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions placed on representatives of private organizations who wish to monitor human rights in Turkey. They are free to speak with private citizens. The Government continues to be ambivalent toward these groups because of its belief that their reports are biased. Consequently, access to government officials or facilities may be refused or restricted. The Government refused to cooperate with a visit by Helsinki Watch representatives investigating Turkish prison conditions in March, but cooperated with a visit in May by a delegation from the New York City Bar Association investigating Turkey's compliance with the U.N. Convention Against Torture.

A nongovernmental Human Rights Association, officially approved in 1987, has branches in provincial cities and organizes discussions, publications, rallies, and petitions. The Social Democratic Populist Party, the principal opposition party, has a human rights committee and has actively pursued human rights issues in Parliament. Members of the main rightwing opposition party, the Correct Way Party, as well as leading figures in the ruling Motherland Party, have also spoken out against human rights abuses.

Under the European and U.N. Conventions against Torture, which Turkey has ratified, committees or rapporteurs are allowed to visit all places of detention at any time, following notification to the Government. In August Senators DeConcini

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and Lautenberg of the U.S. Commission of the Conference on Security and Cooperation in Europe visited a prison in Ankara and interviewed a number of prisoners.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution proclaims Turkey to be a secular state, regards all Turkish citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds. The Treaty of Lausanne also guarantees the rights of Turkey's non-Muslim minorities. Among the non-Muslim religious groups, there are some 50,000 Armenians, 20,000 Jews, 20,000 Syriac Christians, 18,000 Arab Orthodox, 6,000 Greek Orthodox, and several thousand Roman Catholics and Chaldean Christians. Members of these minorities are heavily represented in business and the professions. These groups operate churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages, but have faced a number of restrictive bureaucratic policies and procedures governing their activities and institutions. The expropriation of church buildings and church-owned property, largely by municipal governments, has been a serious problem for several Christian communities in Hatay Province.

Since the attempted Allied partition of Turkey and a number of tribal rebellions in the eastern part of the country during and following the First World War, Turkish governments, beginning with Ataturk, have sought to assimilate the country's various ethnic groups into the mainstream of Turkish society. As a result, a variety of Turkish laws and practices make it difficult, especially for Muslim ethnic or sectarian minorities, to maintain fully distinct or separate identities within Turkish society. The Government believes that to permit such groups as the Kurds to do so could eventually bring the unity of the State into question. For the Government, the violent separatist demands of PKK terrorists dramatize such a threat.

Millions of Turkish Kurds have emigrated to industrialized cities in the western part of the country and are fully integrated into the political, economic, and social life of the nation. Most parliamentary representatives from southeastern Turkey are ethnic Kurds, whatever their party affiliation. So are a number of ministers, including Interior Minister Abdulkadir Aksu and State Minister Kamran Inan. While Prime Minister, President Ozal publicly referred to his Kurdish background.

Nevertheless, the Government's pursuit of full assimilation has led to the proscription of the publication of any book, newspaper, or other material in the Kurdish language. Neither are materials dealing with Kurdish history, culture, and ethnic identity permitted, and there have been instances of the arrest of entertainers for singing songs or performing in Kurdish. While some forms of cultural activity are permitted, the foregoing limits on cultural expression are a source of genuine discontent to many Turks of Kurdish origin, particularly in the economically less developed southeast, where they are in the majority.

There are no restrictions on the private use of Kurdish, and the regional governor of the southeast affirmed several times during 1989 that the use of Kurdish does not connote "separatism." In 1988 the Government began to permit

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Kurdish-speaking prisoners to converse in Kurdish with their lawyers or visitors. However, court proceedings still must be conducted in Turkish, and the poor quality of court-provided translators sometimes disadvantages Kurdish defendants. The opposition Social Democrat Populist Party submitted a bill to Parliament that would eliminate restrictions on the use of Kurdish, including in publications, but at year's end prospects for its passage were poor.

The Government has long been a leader in promoting and protecting women's rights. Turkish women are accorded equal economic opportunity, and urban middle-class women benefit from a strong tradition of work outside the home. At the same time, poor women and those living in rural areas are more likely to be bound by discrimination based on tradition. Their marriage and property rights are guaranteed by laws based on the Swiss Civil Code. However, in many parts of Turkey, laws requiring civil marriage are ignored, and polygamy, under the form of Islamic marriage, is accepted but rarely practiced.

Violence against women, especially wife beating, is not uncommon. The police normally do not intervene in domestic disputes. Turks of either sex may file civil or criminal charges but rarely try to resolve family disputes in court. Turkish law makes no discrimination between the sexes in laws concerning violence or abuse, and courts make no distinction between men and women.

Section 6 Worker Rights

a. The Right of Association

Most workers have the right to associate freely and form representative unions. Exceptions are public school teachers, civil servants, the police, and military personnel. The law prescribes that unions and confederations may be founded without prior authorization on the basis of a petition to the governor of the province where the union's headquarters are to be located.

Unions are independent of the Government and ruling party. However, unions, like other organizations, must have government permission to hold meetings or rallies. Unions must also allow the police to attend conventions and record the proceedings. Union officers may serve no more than eight consecutive 3-year terms in a given union position. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Government protects the person and property of trade unionists.

The 1988 amendments to the 1983 labor law clarified the right of unions and their officers to express views on issues directly affecting members' economic and social interests, but did not undo constitutional prohibitions on any union role in party politics. Unions may not establish organic or financial connections with any political party or other association. In practice, union leaders and the executive board of the Turkish Confederation of Labor (Turk-Is) have been able to convey clearly in election and referendum campaigns their support for, or opposition to, given political parties without, however, citing parties or candidates by name.

The Government may not summarily dissolve a union. Prosecutors may request labor courts to order a trade union or

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confederation into liquidation only if the union has violated specified legal norms.

Except in stipulated industries such as public utilities, the petroleum sector, life and property protective services, sanitation services, and national defense, workers have the right to strike. Turkish law and the labor court system, however, require collective bargaining before a strike. The law specifies a series of steps a union must take before it may legally strike and a similar series of steps before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. In those sectors in which strikes are prohibited, binding arbitration is the last step.

Once a strike is declared, unions are restricted in the actions pickets may take as well as the number of pickets they may place at each entrance and exit of a strike site. The struck employer may respond with a lockout. However, the employer is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Unions are forbidden to engage in secondary (solidarity) strikes, wildcat strikes or general strikes.

In 1989 there were more than 118 strikes in Turkey involving some 35,000 workers. All were peaceful, and most were resolved by wage and benefit settlements approximating or exceeding Turkey's inflation rate of about 73.5 percent. There were two particularly long strikes, one for 130 days by about 10,200 workers against state papermaking enterprises, which was settled in January 1989; and a 137-day strike by some 22,000 workers against two state-owned steel mills, settled in September. These two long strikes contributed to a new Turkish record of over 2,000,000 lost worker-days in 1989.

Unions may form or join confederations and international bodies. The law requires governmental approval to do so and prohibits affiliations with organs hostile to Turkey or to freedom of religion or belief. Turk-Is, the major Turkish labor confederation, has 32 affiliates with a total of some 1.5 million workers. Turk-Is is affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. There are a number of smaller confederations, the most important of which is religiously oriented Hak-Is, comprised of approximately 170,000 workers in 6 unions in various fields. Independent unions also exist, for example, that of the steelworkers and the still larger automobile workers' union.

At its 1989 sessions, the Committee on Freedom of Association (CFA) of the International Labor Organization (ILO) extensively reconsidered the several cases filed against the Government alleging violations of ILO Convention 87 on Freedom of Association. The cases, some of which go back to 1981, concern the dissolution of the trade union DISK and its affiliates and the trial and imprisonment of their leaders; certain provisions of the Turkish Constitution and labor laws which the CFA contends violate worker rights; and a more recent complaint involving pending charges against the President of the Turkish Automobile Workers' Union. Noting that the Government continues to cooperate in the proceedings, the CFA requested, among other things, that the Government expedite a decision on the appeals of the DISK defendants; modify the offending provisions of the Constitution and laws; and provide details of the charges against the automobile union president.

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b. The Right to Organize and Bargain Collectively

All industrial workers have the right to organize and bargain collectively, and most industrial activity and some public sector agricultural activities are organized. The law requires that, in order to become a bargaining agent, a union must have 10 percent of the workers in a given industry as members as well as 50 percent plus one of the workers at a given work site. This has the effect of favoring established unions. There is no agent election; the union submits its membership roll to the Labor Ministry and requests certification as the collective bargaining agent. Once certified, the union receives checkoff privileges, and compensatory payment from nonunion members. The employer must enter good-faith negotiations with the certified union.

In June the ILO Conference approved a special paragraph citing Turkey for violation of ILO Convention 111, which forbids discrimination against any particular class of workers (i.e., teachers). Under Turkish law, teachers employed by the State may not organize.

Organization and collective bargaining are permitted in newly established, duty-free zones at Mersin and Antalya, but workers in those zones will not be allowed to strike until 1994 (10 years after the zones were legally established). Until that date, settlements not otherwise reached will be determined by binding arbitration. Workers in firms within these zones are paid in foreign exchange rather than in Turkish currency, giving them a hedge against inflation as the Turkish currency depreciates.

In its 1989 report, the ILO Committee of Experts asserted that provisions of Turkish law requiring a union to organize a certain percentage of workers in order to negotiate an agreement, and giving the Government authority to postpone a strike and impose compulsory arbitration, are incompatible with Convention 98 on collective bargaining. The Committee asked the Government to indicate what measures had been taken to bring the legislation into compliance.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is prohibited by the Constitution and statutes, and it is not practiced.

d. Minimum Age for Employment of Children

The Constitution and labor laws forbid employment of children younger than 15 years of age. The Constitution also prohibits women and children from engaging in physically demanding jobs, such as underground mining, and from working at night. The laws are effectively enforced in the organized industrial area.

In practice, however, many children work in Turkey. Families frequently need the supplementary income their children can earn. Many young boys shine shoes and peddle sesame rolls and sandwiches on city streets. In family-owned businesses such as restaurants, boys visibly younger than 15 work long hours, for example, as busboys. In addition, there is an informal and essentially unsupervised apprentice system in which young boys work at low wages, e.g., in auto repair shops, in hopes of learning a trade. Girls are rarely seen in public in work circumstances, but many are kept out of school to work on

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indoor handicrafts, such as rug weaving, especially in rural areas.

e. Acceptable Conditions of Work

The Labor Ministry is legally obliged to set minimum wages at least every 2 years, through a minimum wage board. The latter is a tripartite government-industry-union body. On August 1, Turkey's minimum wage was increased to the equivalent of just over \$100 monthly at the mid-September exchange rate. The previous minimum wage was \$56 for industrial workers and \$52 for agricultural workers; this year's changes established a unified rate for both categories. Minimum wage workers take home roughly \$64 per month. The minimum wage is effectively enforced.

Without support from other sources, it would be difficult for a single worker and impossible for a family to live only on the minimum wage. The minimum wage is generally paid to persons new to the work force or providing temporary or part-time services. Most workers earn considerably more. It should also be noted that workers receive a hot meal daily (or a food allowance), transportation to and from work, a fuel allowance, and other fringe benefits which, according to the Turkish Employers Association, make basic wages alone only about 36 percent of total remuneration.

Labor law provides for a nominal 45-hour workweek and mandates a right to leisure. Most unions have bargained for fewer hours in the workweek, both to increase premium-pay overtime and to obtain more leisure time. Labor law limits the number of overtime hours a worker may be required to work to 3 hours a day for up to 90 days in a year.

Occupational safety and health regulations are mandated by law, but the Government has not carried out an effective inspection and enforcement program. In practice, financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike.

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The Union of Soviet Socialist Republics (U.S.S.R.) has been a one-party state, dominated by the leadership of the Communist Party of the Soviet Union (CPSU). That leadership has been a self-perpetuating elite which, with the assistance of a powerful secret police apparatus, attempted to direct all aspects of public life. Although the Soviet Union is a multinational state, political power has always been highly centralized in Moscow.

The past year witnessed a remarkable opening up of the political process and improvements in human rights practices, although the Soviet Union has a considerable distance to go before it will meet the standards set forth in the Helsinki Final Act. In March, elections of deputies to the newly created Congress of People's Deputies were the freest since November 1917. Many old-line regional party bosses and machine candidates lost to reformers, some of whom were not party members. The Congress elected a legislature, the U.S.S.R. Supreme Soviet, that has shown some independence in confirming ministerial appointments and drafting legislation.

Though the Communist Party remains the sole recognized political party (with a few local exceptions), the leadership no longer rigidly controls all party members' expressions and actions. Clear differences between conservative and reformist party members have emerged in public. Party members in the Congress of People's Deputies and the Supreme Soviet have not voted a party line. Article 6 of the U.S.S.R. Constitution, which enshrines the Party's leading role in society, has come under fierce public attack.

Some important reforms have been institutionalized, including the creation of new legislative bodies and an election process that in many, if not all, cases allows a genuine choice between candidates. Local elections, scheduled for 1990, may contribute significantly to political decentralization. Legal reform, on the other hand, has proceeded slowly (although major steps are promised for 1990). The widely held view that President Mikhail Gorbachev's continued presence at the helm is critical to the success of reform suggests that the human rights improvements effected in recent years can still be reversed.

The Committee for State Security (KGB), police authorities, and prosecutors' offices are charged by the party leadership with enforcing the population's compliance with policy decisions, directives, and legislation. In some parts of the country, they have sought to intimidate dissenters and potential dissenters through short-term detention and administrative sentencing of demonstrators, summoning persons selectively for warning conversations, and harsh press attacks on dissidents. Unlike other government agencies, the KGB has been subjected to only a modicum of glasnost (openness) and perestroika (restructuring), although a media campaign has attempted to clean up its image and portray it as an agency that observes the law and protects citizens' rights.

In response to growing socioeconomic problems and in conjunction with a broader effort at reform, Soviet authorities have initiated the gradual decentralization of economic decisionmaking and authority. In October 1989, the Supreme Soviet took up a range of laws expanding earlier reforms and significantly revamping notions of property, land, and enterprise. This was aimed at introducing market elements into

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the economy. While private enterprise remains highly circumscribed, new scope was provided under perestroika for quasi-private activity by independent farmers and cooperatives.

In 1989, though the top leadership's approach to the exercise of power changed significantly, old authoritarian habits continued to pervade the governmental system at lower levels. There were frequent instances of the use of arbitrary authority, including the attempted intimidation of dissidents by the local police, particularly the KGB. The inability of these local officials to follow through with the ruthlessness that was once possible made their arbitrary actions increasingly ineffective.

Subject to the foregoing limitations, there is now general respect for freedom of expression, freedom of association, some freedom of the press and of assembly, and freedom of religion. The Ukrainian Catholic Church, the last denomination to suffer severe repression, was permitted to register its congregations in December. Government interference in religion has now been substantially reduced, and the Government's official sponsorship of atheism is now on the decline.

This generally positive picture, reflecting the intentions of the reform leadership, is marred, however, by the inability or unwillingness of lower ranks of the bureaucracy to adhere to the new standards. Thus, while severe punishment for dissent is now a matter of the past, petty harassment of citizens who offend the sensibilities of local bureaucrats continues.

Emigration from the Soviet Union increased dramatically during 1989. Ethnic Germans, Jews, Armenians, and other Soviet emigrants totaled about 200,000 during 1989, more than any other year in recent memory. More liberal bills on freedom of conscience and the press are expected to be introduced in 1990. Of the new laws adopted so far, one specifically allows strikes, although it forbids them in such key areas as transportation and energy.

Abroad, the Soviet Union ended its illegal occupation of Afghanistan by meeting the February 15, 1989, deadline for withdrawing all its troops.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known instances of political killing in 1989. However, Soviet security troops on April 9 used clubs and gas in Tbilisi to break up a peaceful nationalist demonstration resulting in 19 deaths and over 200 injuries requiring hospitalization.

b. Disappearance

There have been no known instances of prolonged or permanent disappearance in recent years.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Many Soviet prisoners suffer both mental and physical abuse and mistreatment during interrogation, trial, and confinement, according to a wide variety of reliable sources. Life in prison or labor camps continues to be marked by isolation, poor diet and malnutrition, compulsory hard labor, beatings, frequent incarceration in punishment cells for violations of camp rules, inadequate medical care, and harsh restrictions on family visits and correspondence.

Soviet officials report that violence, hostage-taking, and crime in Soviet prisons and camps rose sharply in 1989. However, numerous reforms on a trial basis are reportedly under way within Soviet prisons and camps. These include furloughs, increased visiting privileges by family and clergy, better food, less crowding, greater restrictions on the use of punishment cells, and rewards for productive workers in the form of financial incentives and early releases. Many of these reforms are expected to be included in the new draft penal code.

In March a team of U.S. psychiatrists and legal experts was permitted to visit Soviet psychiatric hospitals and examine patients. Prior to and during the team's visit, authorities released several psychiatric patients suspected of having been confined for political reasons. Since the visit, those patients whom the team examined and found healthy have been released. The U.S. delegation in its final report noted the continuation of practices that lend credence to continuing concerns about psychiatric abuse. The team's report, in addition to its discussion of the problem of psychiatric abuse, analyzed the state of psychiatry in the Soviet Union and offered recommendations. The Soviet authorities commented positively on the latter. Critics of past Soviet psychiatric practices, both within and outside the Soviet Union, have expressed concern that psychiatrists associated with psychiatric abuse have remained in positions of professional leadership.

There were no confirmed reports of new long-term hospitalizations of political dissidents. The year saw several instances of persons being temporarily confined in psychiatric hospitals for political reasons. All were released within a few months.

Soviet authorities claim to have removed over 1 1/2 million persons from the register of mentally ill in 1989 and intend further reductions in its scope and size. Approximately 6 million persons still remain on the register. Inclusion in the register of the mentally ill leads to many social and legal disadvantages, especially in obtaining residence permits and employment.

d. Arbitrary Arrest, Detention, or Exile

In 1989 Article 190-1, which outlawed "the dissemination of deliberately hostile fabrications defaming the Soviet State and social system," was repealed. Article 70, which outlawed "anti-Soviet agitation and propaganda" without defining it, was amended in July by a decree of the Supreme Soviet. In its new form, the law outlaws only calls for the use of violence to overthrow the State.

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In general, however, reform of the Soviet Criminal Code is lagging behind schedule. The Code still includes Articles 142 and 227, which restrict the free exercise of religious beliefs. However, there were no known convictions under these religious articles in the last 3 years.

Sverdlovsk activist Sergey Kuznetsov was tried and convicted in 1989 on charges stemming from participating in a December 1988 rally marking International Human Rights Day. In early January 1990, Kuznetsov was released following a reduction of his 3-year sentence to time already served.

Some human rights activists in 1989 were detained under the provisions of a Supreme Soviet decree on meetings and demonstrations (see Section 2.b.). While a number of large demonstrations have been permitted under the provisions of that decree, most notably in the Baltic states and the Caucasus, many have been forbidden.

The Criminal Code provides Soviet authorities the power to detain citizens for 3 to 4 hours for questioning; after this period, detainees must either be charged or released. According to the Code of Criminal Procedure, pretrial detention can last as long as 9 months, and prisoners are not entitled to consult with a lawyer until shortly before trial. Prolonged pretrial detention thus can function as a form of preventive detention. Eleven members of the Karabakh Committee and two other leading Karabakh activists were detained without trial from December 1988 until their release in May 1989.

Internal exile has almost disappeared in the Soviet Union. The December 1988 draft of the "Principles of Criminal Legislation" called for the elimination of internal (and foreign) exile, but the new law has not yet been formally adopted. Nonetheless, almost all exiled prisoners had been released by the end of 1988, and there have been no known instances of persons being exiled since then. Since the end of 1988, no known political or religious prisoners have been serving sentences solely under Articles 70, 142, 190-1, or 227.

Questions remain about certain Soviet prisoners convicted on criminal charges whose actions would not now be considered crimes by the current Government, or where political considerations may have contributed to their conviction or sentencing. In July the Soviet Government accepted a U.S. proposal for an exchange of information on such criminal cases.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Communist Party control of society extends to the legal and judicial system and negates constitutional guarantees of the objectivity and independence of the judicial process. The Soviet press continues to expose problems in the Soviet judicial system. Some initial steps have been taken towards judicial reform. The Supreme Soviet passed a law aimed at increasing judicial independence which gives the judiciary control over the promotion of judges and establishes multicandidate elections for judges. In addition, the Government declared it will double judges' salaries.

Since there were few political trials in 1989, it is difficult to judge how perestroika may have contributed to reform in this area. However, in the case of Sverdlovsk activist Sergey

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Kuznetsov, Sverdlovsk court officials rejected two of his choices for lawyers and declared the trial closed to the public. Defense attorneys, like judges, are subject to political pressures and constraints applied by the security forces and the party. According to official statistics, about 60 percent of attorneys are party members. In this area, as with the press, limits have expanded but restrictions remain. For example, there have been charges that attorneys must have special clearance to act as a defendant's counsel in cases with political implications, although this may not now be the case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive. However, the authorities' view that it is a citizen's duty to inform on the unorthodox attitudes of family members, friends, and neighbors may be changing. For example, most government agencies now refuse to accept anonymous denunciations.

Security forces routinely monitor the residences and telephones of certain Soviet citizens and foreigners, despite constitutional guarantees of the inviolability of citizens' homes. The resolutions of the XIX Communist Party Conference specifically called for guaranteeing the privacy of private communications, but legislative changes in this area have not yet been accomplished. According to the law, no one may enter a home against the will of the resident "without legal grounds." In practice this provision has little restraining effect on investigative agencies. A new U.S.S.R. Supreme Soviet decree provides a legal basis for Ministry of Internal Affairs troops to enter private homes in pursuit of a suspected criminal. There were virtually no house searches for political materials reported in 1989 until the end of the year, when house searches were conducted in Leningrad, Tbilisi, Saratov, and Sverdlovsk.

Through the control of mail and telephone circuits, the authorities can selectively restrict contact between citizens, intercepting mail or blocking telephone connections. While this has become much less frequent than in the past, it is still practiced when the authorities consider vital political interests to be affected. For example, Moscow-based human rights activists reported that they could not get calls through to their contacts in Tbilisi during the disturbances there in April and could not reach contacts in Ivanovo during the hunger strike there by religious activists.

Despite laws still on the books intended to discourage contacts with foreigners, there has been a dramatic decrease in government interference with such contacts. For example, foreigners who visited refuseniks or dissidents were harassed far less than in the past. It has also become much easier for Soviet citizens to invite American relatives and friends to visit the U.S.S.R. as private guests.

All jamming of Radio Liberty in Russian and other languages was halted in 1989, thus vastly increasing the range of foreign broadcasting to which Soviet citizens have easy access. Voice of America broadcasts also are not jammed.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press to the extent that it is in accordance with the "interests of the people and the strengthening and development of the Socialist system." During 1988 and 1989 that last phrase was interpreted more broadly. The degree of glasnost and the range of acceptable opinion have expanded considerably.

A dramatic and unprecedented example of glasnost in the Soviet media during 1989 was complete television broadcasts of the debates in the Congress of People's Deputies and Supreme Soviet on a host of formerly taboo topics.

Unofficial or independent publications continue to flourish in spite of occasional police harassment and a lack of access to reproduction supplies. Reportedly, there may be as many as 600 independent publications in the Russian language alone, representing a wide spectrum of political, religious, and cultural views. Although the independent press tends to be concentrated in Moscow and Leningrad, there also are many publications in the republics. As in the past, any independent publication may be closed down at the whim of the authorities because it is not legally recognized.

For the most part, the police look the other way when independent publications are distributed. From time to time, however, police have rounded up distributors of independent papers, as they did to several distributors during the second week of September in Moscow's Pushkin Square.

The new draft press law, currently under discussion in the Supreme Soviet, states: "The right to establish mass media belongs to state and public organizations, creative unions, religious, cooperative, and other affiliations of citizens created in accordance with the law, and also to work collectives and citizens of the U.S.S.R." Ostensibly, this means that anyone may start a newspaper, although an editor would presumably have to register with local government authorities. According to the draft, any publication which "promotes war, racism, or the violent overthrow of the Soviet Government, or advocates religious or ethnic intolerance" may be suspended by the authorities.

Working conditions for foreign journalists continued to improve in 1989, including access to newsmakers and policymakers, greater ease in reporting and transmitting news, and the virtual absence of harassment. There has been some limited travel by journalists to closed areas, but also restrictions or outright bans on travel to normally open areas in times of trouble, e.g., Tbilisi after the April massacre.

Most universities and research institutes continue to be operated by the State or the party; however, Soviet academics are exerting considerable pressure for more autonomy from central authorities. Some universities have gained more freedom to determine their own curriculums, particularly in the area of social sciences and history. Archival access continues to open up for Soviet scholars, although perhaps not fast enough to satisfy the most progressive.

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b. Freedom of Peaceful Assembly and Association

According to the provisions of the July 1988 Supreme Soviet decree on meetings, street marches, and demonstrations, organizers must apply to local officials 10 days before a meeting is scheduled, and officials must notify organizers of the decision at least 5 days before the scheduled date of the event. Civil and criminal penalties may be levied against those who participate in unauthorized demonstrations.

The corresponding law on demonstrations in the Russian Federated Soviet Socialist Republic has stiff penalties: participation in unauthorized demonstrations is punishable by fines of up to \$495 and/or administrative arrest for up to 15 days. Repeat offenders may be fined up to \$1,650, arrested for up to 15 days per offense, and/or sentenced to corrective labor for 30 to 60 days with a deduction of 20 percent of their earnings. If criminal responsibility is established, the law provides for deprivation of freedom for up to 6 months, corrective labor for up to 1 year, and a fine of up to \$3,300. While many persons have received fines of up to \$495 and sentences of up to 15 days, no one is reported to have been sentenced to the stiffer penalties. (The Soviet monthly mean wage is about \$220 to \$225.)

Implementation of the law on demonstrations varied widely between different regions in 1989. Authorities in the Baltic states gave permission to virtually all gatherings, including mass demonstrations on August 23 that marked the 40th anniversary of the Molotov-Ribbentrop Pact.

Large, unauthorized demonstrations were held with increased frequency in 1989. There were numerous mass meetings and marches in the Caucasus, major nationalist demonstrations in Ukraine and Moldavia in the second half of 1989 and throughout the year in the Baltic states, and large unauthorized demonstrations by supporters of Boris Yel'tsin in Moscow in March.

Nonetheless, local authorities in several cities, including Moscow, used the July 1988 law on demonstrations selectively to deny many groups permission to hold gatherings. For example, organizations such as the Democratic Union, a group committed to the peaceful removal of the existing Soviet system of government, have consistently been refused permission to demonstrate, and their leaders have been subjected to repeated administrative punishment for violating regulations on demonstrations.

On April 9 in Tbilisi, Soviet security troops used clubs and gas to break up a peaceful nationalist demonstration, resulting in at least 19 deaths and over 200 injuries requiring hospitalization. An investigative commission of the Georgian Supreme Soviet concluded that the troops used toxic gas. In October it published a detailed report of the incident which asserted that the final decision to send in troops was made by Defense Minister Dmitri Yazov and former KGB Chief Viktor Chebrikov. The central Government has denied direct involvement in the incident. On December 24, Anatoliy Sobchak, Chairman of a special commission designated to investigate the Tbilisi incident, presented the commission's final report to the Second Congress of People's Deputies. The report concluded that the military had applied unnecessary force to put down the demonstration; had not acted with the authorization of

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proper authorities; and had used improperly two types of riot control gases.

On October 2 in L'vov, troops reportedly used plastic bullets against nationalist demonstrators, resulting in numerous injuries. The People's Front of Belorussia was forced to hold its founding conference on June 25 in Lithuania because Belorussian authorities would not allow the conference to take place in Minsk. On several occasions, interethnic violence in the Caucasus and Central Asia resulted in authorities declaring a state of emergency and banning all demonstrations.

The Constitution grants citizens the right to associate in public organizations "in accordance with the aim of building communism." Previously, public associations were organized by the authorities or subject to their strict control, and the Government suppressed independent associations. Beginning in 1987, thousands of unofficial or informal organizations were founded to provide a forum for discussion of political, social, ecological, and other issues. Many of these clubs produce journals or bulletins; most actively support perestroika. They exist in a legal twilight zone, however, if they are not registered with the State as required. Without registration--in some cases not sought and in others sought but not granted--a group may not have a bank account or a public meetingplace.

In several areas, particularly in the Baltic states, unofficial groups act increasingly like political parties. Many People's Front organization candidates in the Baltic states won election to the new Congress of People's Deputies. So-called People's Fronts have also emerged in Ukraine, Belorussia, Moldavia, Georgia, Azerbaijan, Moscow, and Leningrad.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Soviet Constitution guarantees the "right to profess or not to profess any religion and to conduct religious worship or atheistic propaganda." The right to conduct religious worship and the right to make atheistic propaganda are not equivalent, however, since the former right does not include the right to conduct "religious propaganda," i.e., to engage in public defense of religious values or to rebut official attacks on religion. Moreover, extensive legislation and administrative regulations on "religious cults" place additional restrictions on freedom of religion. This legislation is now under review, and less restrictive legislation is expected to be introduced to the Supreme Soviet in 1990.

The Government displayed a much more tolerant attitude toward religion in 1989 than in the past. Approximately 3,000 new Russian Orthodox institutions were registered, mostly parishes but also 10 monasteries and 2 new seminaries. Russian Orthodox priests were allowed to visit the ill in hospitals and the imprisoned in jails. Both the Russian Orthodox and the Baptists have become engaged in charity work, from which they were previously banned. Baptists report no problems with their ambitious new parish-building efforts.

In Central Asia, greater glasnost is revealing that Islam still has a strong hold on at least parts of the population. Moslems have been granted permission to open a number of new

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mosques and one theological school. A number of Moslems imprisoned for their religious beliefs were released in 1989.

Registration with the Soviet Council on Religious Affairs is still required for religious groups of 20 adults or more. The Council reportedly has yet to respond to 5,000 requests for the registration of new Russian Orthodox parishes. The State's refusal to grant registration has sometimes been used to deny legal status to entire religious denominations. Once registered, religious congregations must still theoretically accept strict regulations which prohibit proselytizing, religious discussion and Bible study groups, charitable activity, and formal religious training for children.

A number of groups of believers continue to refuse to register officially on the grounds that much of the legislation affecting "religious cults" contradicts the tenets of their religious beliefs. Unregistered believers, such as some Baptists, Jehovah's Witnesses, Seventh-Day Adventists, and Pentecostals, are subject to repressive measures, including harassment at school or place of employment, denial of access to housing, and dismissal from work. The press has reported, however, that the Government is considering registering the Jehovah's Witnesses. Although Pentecostals are still harassed, mainly in the form of fines, such harassment decreased in 1989.

In December the Ukrainian Council for Religious Affairs attached to the Ukrainian Council of Ministers officially announced a policy of permitting Ukrainian Catholic congregations to register. This action ended the illegal status of Ukrainian Catholic believers that has lasted since 1946. During 1989 Ukrainian Catholics had become much more assertive: they held a number of open-air masses attended by thousands of faithful, and some of their bishops and clergy came out of hiding. Several Ukrainian Catholic religious services were broken up by government forces, however, and Ukrainian Catholic priests continued to be fined for performing them, though to a lesser extent than in the past. By year's end, they reportedly controlled about 80 churches.

The practice of religion still is discouraged in various ways, including limitations on the number of sacred books, such as the Bible or the Koran, which may be printed. Only a few religious publications of controlled content, such as the Vestnik of the Russian Orthodox Patriarchate, are officially allowed to be published; however, some unofficial Orthodox publications, including "Bulletin of the Christian Community" and "Choice," have so far been tolerated.

In 1988 customs regulations restricting the importation of Bibles and religious literature were abolished, although laws against speculation continued to limit the numbers that could be imported. In practice, this meant that registered religious groups were able to import large quantities of Bibles, while travelers carrying more than one Bible ran the risk of confiscation at the border on the pretext that the Bibles were intended for speculation. Persons reported the delivery of small quantities of Bibles and other religious books through the mail, although many such packages continue to be seized or stolen in the mail. The Hare Krishnas are currently protesting the decision of the Council on Religious Affairs to withhold approval for the importation of 200,000 copies of Hare Krishna religious literature. The literature was impounded by Moscow customs officials in September.

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The number of clergymen and places of worship today is only a small fraction of the number which existed before the October 1917 Revolution. At the same time, Soviet officials recognize that over 70 million Soviet citizens adhere to some religion. Existing seminaries and other institutions of clerical education have been permitted to enroll a larger number of students, but they still do not provide a sufficient body of trained clergy for officially registered denominations, especially given the widespread interest in participating in religion observed in 1989.

The Communist Party is, according to its rules, an atheistic organization. Membership in the party, considered incompatible with religious belief, is in effect a requirement for advancement to most positions of authority or prestige in the country. Thus, the authorities have largely excluded practicing believers from positions of power. However, believers are no longer rigorously excluded from public activities or from access to the media.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is not guaranteed by law. Although citizens are generally free to move about within the country, travel in certain areas (e.g., frontier regions or areas of military significance) requires special permission. All adults are issued identity documents or internal passports which must be carried during travel and used to register visits of more than 3 days with the local authorities. Although approximately 20 percent of Soviet territory is formally closed to travel by foreigners, most territory outside of major urban centers is in practice difficult to visit or inaccessible and is therefore closed in effect to travel by foreigners.

The right to choose one's place of residence, although formally provided for by law, is subject to restrictions. Everyone is required to register his or her place of residence. The authorities limit the number of residence permits in several dozen large cities, including Moscow, Leningrad, and Kiev, where housing is at a premium.

Soviet authorities, in response to U.S. representations, now allow Soviet citizens to obtain exit permission while continuing to live in their homes, work at their jobs, and keep their children in school. The final checkout from Soviet society that requires them to relinquish these basics now will be allowed by Soviet authorities only after the applicant has shown a permit from another country to take up residence there.

To travel abroad, Soviet citizens must have a passport for foreign travel and an exit visa, usually valid for 6 months, specifying the destination for each trip. According to Soviet Foreign Ministry officials, more than one-half million Soviet passports were issued for external travel in 1989.

During 1989 many persons without relatives abroad were allowed to travel abroad to visit friends. However, Soviet citizens usually can travel on private visits to the West only if they receive an invitation from an individual who undertakes all financial responsibility for the trip. Currency regulations and requirements to purchase tickets in rubles also restrict travel opportunities, even if formal exit permission is granted.

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During 1989 thousands of Soviet citizens residing abroad permanently as well as former Soviet citizens were permitted to return on short family visits or for other reasons. This trend, which began in 1987 and continued in 1988, grew rapidly during 1989.

Currently, Soviet law does not recognize the right of citizens to emigrate by choice. The Soviet system continues to restrict emigration (with notable exceptions for some ethnic and religious groups) to those citizens who married a foreigner or desire reunification with immediate relatives abroad. In 1989 the Soviets drafted a new law on emigration which would provide broad legal guarantees on the right to travel abroad (with some restrictions). In November the draft law passed a first reading in the Supreme Soviet. Final passage is expected in 1990.

The most frequently used barrier to emigration, aside from the requirement of an invitation, is the requirement that prospective emigrants should have had no access to "secrets." In some cases, persons have been denied exit permission although they have had no access to "secrets" for more than 10 years. In a few cases, denial has been based on mere possession of a clearance, although there was never any access to classified information. The application of this restriction is often quite arbitrary. In 1989 the Soviets lifted the security restrictions on many persons and permitted their emigration.

Another barrier to emigration still in effect is the requirement that family members sign release forms for their children--meaning that they may refuse to release adult children from financial or moral commitments.

In 1989 it was rare that a person not employed in security-related work lost his job when submitting an emigration application. The vast majority of those applying for visas for the first time were approved, and social ostracism eased considerably for would-be emigrants. Jewish emigration in 1989 exceeded 72,000, the highest yearly total since the pre-World War I era, up considerably over the 1988 total of 19,292 and the 1987 figure of 8,155. The highest recent yearly total had occurred in 1979, when 51,000 Jews emigrated.

During 1989 more than 9,000 Soviet Armenians emigrated to the United States. More than 98,000 Soviet ethnic Germans were permitted to leave the Soviet Union in 1989 for the Federal Republic of Germany. This figure, again, represents a dramatic increase over the previous year's 45,000 departures.

Soviet authorities in 1989 continued to resolve a significant number of divided family cases affecting the United States, France, the United Kingdom, and Australia.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Soviet citizens do not have the right to change their system of government, although the reforms instituted during the past year have opened the way to increased popular participation in the political process. Multicandidate elections, political campaigning, and the secret ballot are becoming the norm. The Congress of People's Deputies and the Supreme Soviet engage in open, frequently televised debate. Separation of party and

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government has enabled special interest groups to exert more influence on government policy and structures.

Divisions within the CPSU continue to be clearly visible, as are the competing views of other parliamentary groups. Differences within the CPSU between central party authorities and those in the republics have also emerged sharply. The threat of the Lithuanian party that it may sever its ties with the CPSU and operate independently and the vote in two of the three Baltic states to eliminate the leading role of the CPSU severely test the ability of the CPSU to control all political decisionmaking. Furthermore, the threat of the Baltic states to declare their independence from the Soviet Union reflects the desire of their populations to seek by their own actions to change their system of government. The U.S. Government has not recognized the forcible incorporation of the Baltic states into the Soviet Union.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Soviet authorities have adopted a more forthcoming approach to foreign criticism of their human rights record, acknowledging problems and stating their desire to make their society more "humane." They have also acknowledged that the human rights situation in the U.S.S.R. is subject to discussion in official bilateral and multilateral contacts. During 1989 they held several meetings with U.S. officials on human rights issues.

The Soviet Government in 1989 began to permit foreigners, on a very limited, controlled basis, to examine the status of human rights in the U.S.S.R. In August the Soviets permitted U.S. Congressmen Frank Wolf and Christopher Smith to visit Perm Labor Camp 35 and interview more than 20 prisoners. They also permitted staff members of the Congressional Helsinki Commission to meet freely with dissidents, refuseniks, and others. The Soviet Union committed itself to permit private persons and nongovernmental organizations access to the human rights conference of the Helsinki signatory states scheduled to be held in Moscow in 1991. The Soviet Union is a member of the United Nations Human Rights Commission.

Unofficial Soviet human rights groups, however, complain that Soviet authorities ignore their inquiries on human rights issues and only answer questions posed by the Soviet Human Rights Commission, which officially is described as a nongovernmental organization but is clearly an officially organized body.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for the equal status of all Soviet citizens, regardless of nationality, sex, or language. The Soviets recognize more than 100 nationalities in the U.S.S.R., and the Soviet federal system is based on nationality. Many ethnic groups have territorial and administrative entities. The 15 Soviet Republics, some of which were formerly independent countries, represent some of the largest and most developed nationalities. Other smaller nationalities have autonomous republics, oblasts, or districts, but some 55 million Soviets live outside their nationality's administrative region or belong to a nationality that has none. The national rights of those Soviet citizens have not

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been adequately addressed, as the party admitted at the CPSU Plenum on Nationalities in September.

During the Brezhnev period, a quota system was used extensively throughout the Soviet Union as part of a broader nationality policy. Some ethnic groups benefited significantly from that policy, as they obtained more positions in universities and middle-class occupations than they would have if merit had been the main criterion. Other groups suffered. President Gorbachev has opposed the quota system, in part out of the belief that it has fostered deep-seated corruption in many parts of the country. At the same time, those ethnic groups that benefited from Brezhnev's "affirmative action" program have begun to lose substantial privileges and opportunities.

Most minorities in the Soviet Union have suffered official government discrimination as a result of the policy of Russification or as a result of opposition to that policy. Perestroika has involved the transfer of increased power to the republics to decide internal questions. The republics have responded by putting greater emphasis on their local cultural and linguistic heritage. Members of ethnic minorities, especially non-Slavs, are rarely found at the highest level of nationwide organizations and academic or governmental bodies, though minorities tend to dominate their own local organizations, including those at the republic level. Developments regarding the rights of national minorities are described below:

Ukraine -- A number of unofficial groups that foster the Ukrainian language and culture organized and met during the year. The Ukrainian Popular Front, "Rukh," held its founding Congress September 8-10 in Kiev. The Congress proceeded without interruption by the authorities, although afterward several participants were harassed and threatened with arrest.

Unofficial Ukrainian groups continued to call for the establishment of Ukrainian as the official language of the Republic, and a draft law declaring Ukrainian the official language was published in September. The Ukrainian Communist Party leadership opposed this demand. They also tended to repress religious and nationalist dissent more harshly than did leaders in other republics. Nevertheless, the authorities allowed greater scope for Ukrainian cultural activity and tolerated a number of Ukrainian samizdat journals. The central Soviet leadership sharply criticized the Ukrainian leadership for its heavy-handedness, and, on September 20, Vladimir Shcherbitsky, a conservative holdover from the Brezhnev period of rule, lost his seat on the Politburo and his leadership of the Ukrainian party.

Moldavia -- National activism continued during 1989 with innumerable demonstrations against official government policy concerning cultural, economic, ecological, and religious rights. In May several unofficial groups formed the People's Front of Moldavia to protest the Moldavian Communist leadership's intransigence. Almost all unofficial groups were criticized by both the national and local official press.

In August and September, numerous strikes and demonstrations by both Russians and Moldavians were held, each side advancing its view of the content of the Republic's language law. In September the Moldavian Supreme Soviet passed a language law declaring Moldavian the official language of the Republic and

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Russian the language of interethnic communication. The Russians continued their strikes for weeks after the law was passed and was endorsed by a U.S.S.R. Supreme Soviet Commission which had been sent to Moldavia to investigate the situation.

Armenia and Azerbaijan -- Violence continued between Azerbaijanis and Armenians over the Armenian enclave of Nagorno-Karabakh in Azerbaijan. In mid-September, an Azeri economic blockade against the Armenians resulted in severe shortages of food, fuel, and consumer goods.

In May Soviet authorities released all 11 members of the Karabakh committee, who had been held without trial since December 1988. Two other leading Karabakh activists, Khachik Stamboltsyan and Aleksandr Akopyan, were also released from detention.

In July a military order banning mass gatherings, meetings, and demonstrations was announced in Baku. Nevertheless, the Azerbaijan People's Front continues to organize regular mass rallies. A demonstration organized by the unofficial group "Birlik" was broken up by police, and about 40 people were detained.

Georgia -- The April 9 incident is described in Section 2.b. The Georgian Popular Front held its founding conference in Tbilisi in July. Violence broke out in August and September between Georgians and Abkhazians over the ethnic rights of Abkhazians. Tensions continue between the Christian Georgians and the Muslim Abkhazians and are increasingly acquiring religious overtones.

Central Asia -- In June Uzbeks in the Fergana Valley began attacking the local Meskhetian Turk population. Reportedly, local policemen assisted in the persecution of Meskhetians by providing Uzbeks with addresses.

In Kazakhstan, Tadzhikistan, and Kirgiziya, the Republic Supreme Soviets passed laws making the respective local languages the official language of each republic. Russian was declared the language of interethnic communication. These language laws will probably result in wider use of the local languages in everyday life. In Uzbekistan, a similar language law is currently under debate. Ethnically motivated attacks on local nonindigenous populations along with the language laws have led to a sizable exodus of Europeans and Caucasus peoples from these republics.

Germans -- A society of Soviet Germans called "Revival" (Vozrozhdeniye) was established in Alma Ata in June. The society plans to chronicle events that concern Soviet Germans, coordinate activities of recently established German sociopolitical clubs, and act as a cultural center for Soviet Germans in Kazakhstan. A special Supreme Soviet commission on the German problem is currently investigating ways to satisfy some German ethnic concerns.

Crimean Tatars -- In 1989 Crimean Tatars still encountered problems returning to their homeland, from which they were forcibly removed in 1944. However, their situation is improving somewhat, and a number of them have been able to return. Crimean Tatar activists were occasionally attacked by the official press. Recently, the Supreme Soviet officially exonerated this and all other ethnic groups deported by Stalin during World War II.

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Jews -- Though the country's top leadership no longer fosters anti-Semitism and appears embarrassed by it, there has been a sharp increase in popular expressions of anti-Semitic attitudes. Jews have become increasingly concerned over the danger of violence. They view the activities of organizations such as "Pamyat" as particularly dangerous and are troubled by the failure of the leadership to speak out against anti-Semitism. On the other hand, the reform press has condemned anti-Semitism strongly and repeatedly. Jews have welcomed their increasing cultural and religious freedom, which includes the opportunity to study Hebrew. Toward the end of the year, a broadly representative meeting of Jewish activists took place and a countrywide representative Jewish organization was formed, the first such meeting and organization since the October Revolution.

Women nominally enjoy the same legal rights as men, including the right to participate in all areas of the social, political, and economic life of the Soviet Union. An extensive system of day-care service and maternity leave benefits allow women to retain employment after having borne children, which is a necessity as virtually all women have no economic choice but to work both inside and outside the home. Women bear the main brunt of the hardships of Soviet daily life, such as waiting in long lines for food products. Women's rights activists report that only about 20 percent of the demand for contraceptives is satisfied. The result is over 6 million abortions a year, with consequent dangers to women's health, given the poor hygienic conditions in most Soviet medical facilities.

Women rights activists report widespread domestic violence against women throughout all the republics of the U.S.S.R., often involving widespread male alcoholism. Wife beatings are a particularly pressing problem in the Central Asian Republics, where several cases of women committing suicide because of untenable living conditions with husbands and in-laws were reported in 1989. Statistics on this problem are as yet unavailable in the Soviet Union, though women activists are trying to compile them. The difficulty of women's lives in the Soviet Union continued to be discussed in the Soviet press in 1989. The Council of Ministers has established a special branch (with a woman at its head) to study the problems of women. One of the first subjects to be discussed by the Supreme Soviet was safety conditions for women engaged in manual labor, including restrictions on weights women could be assigned to lift and night-shift work.

Special privileges shield many members of the Soviet elite (the party, the military, the diplomatic service, the scientific-technical intelligentsia, and the cultural and sports establishments) to varying degrees from social and economic hardships. Privileges include access to better housing, schools, medical care, and foreign travel, as well as access to restricted stores with high quality food and imported consumer goods. The system of special privileges, already somewhat reduced in 1988 from earlier levels, came under sharp criticism in the new Supreme Soviet in the second half of 1989. Promises were made about reviewing and possibly closing the Health Ministry's so-called Fourth Department, which provides health services to senior party and government officials. As market elements have been introduced and quasi-private enterprise has spread, money and not just political influence has begun to provide broader access to amenities.

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Section 6 Worker Rights

a. The Right of Association

In the Soviet Union, the right of association as defined by the International Labor Organization (ILO) does not formally exist, though in practice the authorities showed an increasingly liberal attitude toward the free association of workers in 1989. Approximately 30 functional trade unions, encompassing virtually the entire Soviet labor force, operate under the direction of the officially sponsored All-Union Central Council of Trade Unions (AUCCTU), a government umbrella mass organization which advances Soviet and Communist labor interests. The AUCCTU serves as a means of political indoctrination, propaganda, and management control of workers. It is not known ever to have taken an official position that differed significantly from the Communist Party's stand, and its officials work in close concert with their party counterparts at all levels. The AUCCTU funds and controls the Prague-based labor international known as the World Federation of Trade Unions (WFTU), which seeks to promote Soviet political objectives among workers around the world.

Despite the AUCCTU's official omnipresence, independent organized labor activities emerged in 1989. In March workers began organizing a group which by summer became the "USSR Association of Socialist Trade Unions" (SOTSPROF), which loomed as an alternative all-Union federation to the AUCCTU. SOTSPROF has won limited legal status to conduct its activities. In early summer, two groups of independent workers groups met in Moscow, and an organizing committee emerged which reportedly seeks to pull together a congress of workers, with the goal of nominating candidates for local and republic elections in late 1989 and early 1990. In cities throughout the U.S.S.R., fledgling independent union movements have sprung up.

Hundreds of thousands of Soviet coal miners in virtually every coal-producing region of the country walked off the job in July for periods ranging from 1 or 2 days to much longer periods. Their demands included higher pay and better working and living conditions. Overnight, strike committees formed spontaneously at individual mines, and these committees ultimately combined into city, regional, and interregional bodies. Regional strike committees gained formal recognition when negotiators representing the local Communist Party, local government, and the AUCCTU signed agreements. The strike committees won a continuing role overseeing fulfillment of the strike accords and of the coal industry as a whole. By contrast, the AUCCTU demonstrated its role in the Soviet system by siding with the party and the Government against the interests of the workers that the AUCCTU claims to represent.

To avoid antagonizing the strikers, Soviet authorities have allowed these various nonofficial trade union activities to proceed unhindered, and have provided both a measure of recognition and even support to some. The AUCCTU, in particular, provided facilities to SOTSPROF organizers and coal miners' strike committee leaders. Some regarded this as an effort by the AUCCTU to associate itself with, or even co-opt, independent activities. Some independent workers' groups also established international contacts.

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In October the Supreme Soviet passed legislation on procedures for settling labor disputes. For the first time since 1917, this legislation formally established the right to strike for Soviet workers, albeit only after detailed and lengthy dispute-settlement procedures have been exhausted. The law also established a formal ban on strikes in transport, energy, communication, government, and the military services, and it included broad, undefined references to "essential services" which could be used to block strikes in virtually any part of the economy. However, all workers apparently enjoy the protection of the law's labor dispute-settlement procedures.

As it has in the past, the ILO's Committee of Experts in 1989 examined provisions of Soviet law and the Constitution which establish a system of trade union monopoly and a leading role for the Communist Party. Restrictions were lifted on the right of workers to meet only after prior authorization. But legislative measures do not exist which would ensure the right of workers to establish trade union organizations outside the existing trade union structure, and the right of workers' organizations to organize their activities and formulate their programs in full independence and without interference from the public authorities.

b. The Right to Organize and Bargain Collectively

Virtually all Soviet workers automatically become members of an affiliate of the official trade union organization, the AUCCTU. There is no evidence that persons refusing to join the union have difficulty in finding jobs, although this was the case several years ago. Persons involved with SOTSPROF or with other new, independent labor organizations report no interference with their activities or discrimination against them at the workplace. Coal miners' strike committee leaders likewise report no adverse consequences from their activities.

Although reform legislation on organizing and collective bargaining is under consideration, it has not yet been passed. The Soviet Government has shown some willingness to deal with unofficial labor groups when forced by circumstances to do so, as in the case of the coal miners' strikes. Most day-to-day representation of Soviet workers' interests is conducted solely by officials of the AUCCTU, who remain subordinate to the Government and to the Communist Party, and thus do not necessarily represent workers' interests fully. Factory and enterprise Work Collective Councils also represent worker interests to a certain extent, but they exercise broad managerial functions and have not shown much inclination to challenge management or bargain for their members.

Substantial progress has been made toward setting up special economic zones in at least three areas of the country to attract foreign investment, but the formal, legal steps to accomplish this have not yet been taken.

c. Prohibition of Forced or Compulsory Labor

Soviet law contains no prohibition on forced or compulsory labor; indeed, persons sentenced to deprivation of freedom are expected to work. Convicted criminals, including those confined for political offenses, work, often under difficult conditions, in labor camps or in local projects to assist in the production of primary and manufactured goods. Prisoners are theoretically paid the same wage as factory workers, but, according to the Corrective Labor Code of the R.S.F.S.R., up

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to 90 percent of this pay goes to prison authorities, supposedly to cover the costs of their maintenance.

d. Minimum Age for Employment of Children

Soviet law establishes a statutory minimum age of 16 for employment. No evidence of widespread violation of this law exists, though anecdotal reports have appeared of child labor in Central Asian Republics.

e. Acceptable Conditions of Work

The government-established wage scale sets the base wage for the lowest level unskilled worker at \$140. According to the Soviet State Statistical Committee, the average monthly wage for blue- and white-collar workers in mid-1989 was \$373 and for collective farm workers \$263 at the October 1989 official exchange rate. (The ruble is not a convertible currency, and its official value in terms of the U.S. dollar does not represent actual purchasing power for purposes of international comparison.) Soviet statistics put the mean wage at about \$220 to \$225 per month. Workers living in the harsh climates of Siberia and the far north, as well as those working in the Far East under similarly harsh conditions, receive bonuses doubling or even tripling their pay.

The standard workweek in the Soviet Union is 40 hours. In addition, many workers are required to work Saturdays and additional overtime at the discretion of local management. Most must also "donate" a working Saturday once a year for which they receive no pay. For blue-collar workers, this means an unpaid day at the factory; white-collar workers are called to help clean up neighborhoods and perform other social services. Many white collar workers are also sent at harvest time, on a paid and unpaid basis, to work in the fields of local collective and state farms that need additional manpower for the harvest. Soviet law provides for annual paid holidays for all workers. The actual time varies, but most Soviet citizens receive 4 weeks or more of paid vacation each year.

Soviet law establishes minimum conditions of workplace safety and worker health. These conditions are frequently violated and no effective mechanism for enforcing them exists. Workplace accidents are reportedly common. Workers file safety complaints mainly through their trade union organizations, which have proven relatively ineffectual in ameliorating conditions.

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The United Kingdom (U.K.) of Great Britain and Northern Ireland is a constitutional monarchy with a democratic government. As there is no written constitution, human rights are "residual," i.e., assumed unless limited by statute. Human rights traditionally have been respected and guarded by the people and their elected governments. Laws bar discrimination on the basis of race, religion, sex, or political opinion.

Conflict between the Protestant majority and Catholic minority communities in Northern Ireland continued in 1989 to require special measures for governing the region and providing for public security. Illegal paramilitary groups on both sides of the conflict continued their campaigns of violence. The Anglo-Irish Agreement (AIA), signed by the Governments of the U.K. and Ireland in 1985, affirms that the status of Northern Ireland as a part of the United Kingdom can only be changed with the consent of a majority in the North. It also provides for an intergovernmental conference to discuss the two Governments' views on Northern Ireland affairs. The conference has met regularly since its inception and has given particular attention to enhancing security cooperation.

Throughout the U.K. and Hong Kong, public order is maintained by civilian police forces. In Northern Ireland, because of terrorist violence, police of the Royal Ulster Constabulary (RUC) are supported by Army units.

The United Kingdom has a highly developed industrial economy. Persons may own property and pursue private economic interests. The Government provides comprehensive social welfare services.

Under a 1985 agreement between the U.K. and China, control of Hong Kong will revert to China in 1997. The agreement states that Hong Kong after 1997 will retain its social, legal, and free-market capitalist system and will continue to be nonsocialist. For now, Hong Kong's legal system closely parallels that of the U.K., and fundamental rights ultimately rest on oversight exercised by the British Parliament.

In the United Kingdom and in Hong Kong there continued to be widespread support for and protection of human rights in 1989. Both Governments continued to be responsive to popular pressures for changes in governance, and both took measures to bring regulations and practices into accord with the findings of domestic and international bodies which have recommended changes to improve legal and other human rights. However, U.K. policy toward refugees in Hong Kong generated international controversy.

Terrorist bombings and killings carried out by the illegal Provisional Irish Republican Army (PIRA) in both Northern Ireland and Britain, and terrorist acts in Northern Ireland committed by similar groups claiming to represent parts of the Protestant community, constitute the single most dramatic threat to public order and security in the U.K. Actions of the security forces and the legal system were primarily responsible for keeping deaths caused by terrorism and the conflict between communities to far fewer than 100 in 1989, as in recent years. However, a public prosecutor's decision to overturn the 1975 conviction of the "Guildford Four" (three men and one woman) for murder by bombing (and widespread charges that the police falsified evidence in the case)

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underlined skepticism among Catholics in Northern Ireland about equality of justice there (see Section 1.d.).

There was controversy in the last months of 1989 because of revelations that security force documents identifying alleged PIRA suspects and others were allowed to come into the possession of Protestant terrorists who used them to identify targets for attacks. Tensions and long-held animosities between the two communities in Northern Ireland continued to mean that many Catholics were denied equality of some rights and opportunities despite government efforts to redress their grievances. New legislation approved in 1989 will strengthen government efforts to eliminate employment discrimination.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

The British Government does not practice or condone killing for political motives.

By August 20, 1989, 2,755 people had died in 20 years of "the troubles" in Northern Ireland (which has a population of 1.5 million). In 1989, 62 persons were killed in incidents of terrorism in Northern Ireland, 23 of whom were members of the security forces (including the regular army, Royal Ulster Constabulary and the Ulster Defense Regiment). Thirty-nine persons were killed by security forces.

Security forces in Northern Ireland continued the use of plastic baton rounds (PBR's or plastic bullets) for riot control. One person was killed by a PBR in 1989.

b. Disappearance

Government authorities do not abduct, secretly arrest, or hold persons in clandestine confinement, nor do they sponsor or condone such activities. In 1989 there continued to be instances of persons abducted or illegally held hostage in terrorist incidents in Northern Ireland.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

British laws forbid torture and other cruel, inhuman, or degrading treatment of prisoners and provide penalties for violations of those laws. Confessions obtained by such methods are not admissible as evidence in court.

In February 1988, Amnesty International (AI) called on the Government to review the convictions of those involved in an October 1985 riot at the Broadwater Farm housing estate in north London in which a police officer was killed. Several defendants claimed that they were denied access to lawyers and families during police interrogation and that they were threatened and forced to make admissions or sign statements under duress during interrogation. As of February 1989, results of an official investigation have not been made public, and no statement has been issued by the Police Complaints Authority, which has been supervising the investigation.

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New codes of practice regarding the questioning of suspects by security forces in Northern Ireland were mandated under the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989. They will come into effect in early 1990.

All complaints concerning the police made by members of the public in Northern Ireland are monitored by the independent Commission for Police Complaints. The Commission is independent of both the Government and the police and is charged with supervising police investigations into the most serious complaints.

There was controversy over the introduction of "genetic fingerprinting" in criminal investigations and as evidence in trials. The law in Northern Ireland allows police to use oral swabs for DNA testing of cells in cases of serious crime. In Northern Ireland, taking oral samples is considered "nonintimate" and may be done against a prisoner's will. In England and Wales, however, such samples are considered "intimate" and may be taken only with the written consent of the subject and then only by a medical practitioner.

Britain has ratified the Council of Europe Convention on the Transfer of Sentenced Persons, by which prisoners may be sent to their home countries to serve their sentences. Within the United Kingdom, convicts are almost always required to serve their prison time in the general region where the crime was committed.

On August 24, the Hong Kong Government announced it would end in 1990 the practice of corporal punishment based on a review of obligations under international conventions and other factors. There were complaints by some nongovernmental organizations that the Hong Kong Government deliberately allowed living conditions in overcrowded Indochinese refugee camps to deteriorate and failed to provide adequate shelter, nutrition, and health care. The Government moved the asylum seekers to other centers, which also became very overcrowded (see Section 2.d.).

d. Arbitrary Arrest, Detention, or Exile

Police may make arrests without warrants in cases of reasonable cause to suspect criminal guilt. Those arrested without warrant must be released on bail unless brought before a magistrate's court within 24 hours. Generally, persons charged with nonserious offenses may be released on bail. In cases such as crimes of violence, however, magistrates have remanded persons for periods of up to 18 months before trial.

The law allows the Government, in an emergency situation and subject to review by Parliament, to restrict personal liberties.

Acting on the premise that the fundamental "right to life" has been in serious jeopardy due to the violence in Northern Ireland, the Government adopted the Northern Ireland (Emergency Provisions) Acts of 1978 and 1987 which are applicable only to Northern Ireland; and the Prevention of Terrorism (Temporary Provisions) Act of 1989 (originally enacted in 1974), almost all of which is applicable to the entire United Kingdom. Both Acts are subject to parliamentary review and require periodic renewal to remain in effect.

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The 1989 Prevention of Terrorism Act allows the police to arrest, without warrant, persons anywhere in the U.K. whom they reasonably suspect to be involved in terrorism. Such persons may be detained for up to 48 hours without judicial review, and up to a further 5 days on the authority of the Home Secretary or, in Northern Ireland, the Secretary of State for Northern Ireland.

In November 1988, the European Commission of Human Rights ruled that, in the case of four men detained in 1984 under the Prevention of Terrorism Act, a detention of just over 4 days was excessive and violated the requirement contained in the European Convention on Human Rights that a person should be brought "promptly to court." In response to an adverse decision, the Government gave notice of its intention to derogate temporarily from the relevant articles of the European Convention on Human Rights and the International Covenant on Civil and Political Rights which govern detention. Although the Government has said it was seeking ways to bring U.K. practice into conformity, the 7-day detention power was retained in the Prevention of Terrorism Act of 1989.

In Northern Ireland police and military personnel, in dealing with cases of suspected terrorism, may enter and search without warrants, and members of the Armed Forces on duty may arrest without a warrant any person suspected of having committed or being about to commit any offense. Such persons may be held for up to 4 hours, after which they must be transferred to police custody or released.

In Northern Ireland persons arrested or detained have the right to a lawyer after 48 hours. There is credible evidence, however, that lawyers often encounter delays in access beyond the legal limit.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Fair trial is provided for by law and observed in practice in the United Kingdom in the vast majority of cases. An indigent defendant has the right to counsel of his choosing. All criminal proceedings must be conducted in public, with the exception of juvenile court cases and cases involving public decency or security. In a trial on charges under the Official Secrets Act, the court may be closed at the judge's discretion, but the sentence must be passed in public.

In October the U.K. Director of Public Prosecutions (DPP) directed that the Government abandon its charges against the "Guildford Four" who had been convicted and imprisoned with life sentences in 1975, and the four were released from prison. The decision was taken before the court because DPP received information contrary to evidence used in prosecution. The State therefore sent the case for review by the Higher Appellate Court, which subsequently overturned the conviction. The Government also initiated corruption proceedings against police officers who had been involved in taking the case to court. New reviews of the cases of the "Birmingham Six" and "Maguire Seven", who had been imprisoned since 1974 also for murder by bombing, now appear likely.

The majority of criminal prosecutions in Great Britain which come to trial are heard by juries. In Northern Ireland,

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however, the right to trial by jury has been suspended for certain terrorist-related offenses because of the intimidation of juries by terrorists. "Diplock Courts," in which a single High Court judge presides over a trial without a jury, were established in Northern Ireland by legislation in 1973. While these courts have been criticized by some human rights groups, a report published by the Association of the Bar of the City of New York stated that Diplock Courts conform to the requirements of international standards of fair trials and that there has been no serious claim that a factually erroneous conviction has occurred in a Diplock Court.

The Government's ability to provide trials by multiple judges or with juries is limited in Northern Ireland because of PIRA terrorism against the judiciary. The PIRA has announced it will even attack workmen who perform services at the homes of judges. On July 31, a massive car bomb exploded outside the Royal Courts of Justice in Belfast causing extensive damage.

In November 1988, the general law on evidence in Northern Ireland, the Criminal Evidence (Northern Ireland) Order 1988, was enacted. In part, the law affects the traditional right to silence of accused persons under British law by permitting the courts to draw whatever inference they deem proper, including an inference of guilt, if a subject remains silent during questioning. The provision was introduced as a means of dealing with the "wall of silence" encountered by the police when questioning suspected terrorists as well as with "ambush testimony" whereby a suspect does not speak until his trial when he presents a surprise alibi. The Standing Advisory Commission on Human Rights believes that unless such inferences are restricted in their application and incorporate appropriate safeguards, the law may lead to a lack of confidence in the administration of justice in Northern Ireland.

The Criminal Law Jurisdictions Act, enacted by both the U.K. Government (1975) and the Irish Government (1976), permits trial in either the Republic of Ireland or in the U.K. of those accused of certain terrorist offenses regardless of whether the offense was committed in the other country.

Minors convicted of murder may be subjected to indeterminate detention. In Northern Ireland, where public attention has focused on this issue, there were 30 minors serving indeterminate sentences at the end of 1989, including 17 prisoners who had served 8 or more years for murders committed while they were under the age of 18 and whose release dates had not been decided.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right of privacy is well respected in both law and custom. Warrants are generally required for a police search of private premises. However, under the Northern Ireland (Emergency Provisions) Act of 1978, any member of the Armed Forces on duty or any constable may enter any premises or other place if he or she considers it necessary to do so to preserve peace or maintain order. Changes in the 1987 Emergency Provisions Act now require a standard of "reasonable grounds of suspicion" before a dwelling may be entered to search for munitions or transmitters.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Strongly held tradition, an independent press, and a democratic political system combine to secure freedom of speech and press. Viewpoints independent and critical of the Government are well represented.

In 1988 the Government banned radio and television broadcasts of live or recorded statements made by representatives of PIRA or other illegal terrorist organizations or of Sinn Fein, the legal political arm of the IRA, or by others who express views which "solicit, support, or invite support for such organizations." There are no restrictions on reporting their words. Exceptions are made for coverage of elections and parliamentary proceedings. The written media were not affected by the notices. The measures drew widespread criticism as undermining freedom of speech and press. The ban is being challenged in domestic courts on grounds it is unlawful under the Northern Ireland Constitution Act of 1973 and Article 10 of the European Convention on Human Rights.

Hong Kong has traditions and practices of free speech and press similar to those in the U.K. Individuals and groups freely criticize the Hong Kong Government, and the media are free to air all views and opinions.

b. Freedom of Peaceful Assembly and Association

Except in cases of extreme civil disorder, in which public safety is judged to be at risk, the authorities do not exercise their statutory right to limit the freedom of public assembly. However, some critics believe that the 1986 Public Order Law gives police too much discretion to restrict public assembly.

The Prevention of Terrorism Act of 1989 and the Northern Ireland (Emergency Provisions) Act of 1978 include sections prohibiting membership in, or support of, organizations involved in terrorism. These organizations are specifically listed in the statutes. The lists do not include political parties.

The summer "marching season" in Northern Ireland presents special problems. These marches commemorate the traditions of opposing sectarian communities. Each community considers them a right, but they are controversial and have been a source of public disorder. Under the law, the police must be notified 7 days before a planned march and may impose conditions, including rerouting. No permits to march were denied in 1989, and there were no serious disorders during the 1989 marches.

Peaceful assembly and association are permitted and regularly practiced in Hong Kong.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Government policy and general practice ensure freedom of religion in Great Britain and Hong Kong. While both England and Scotland have established churches, the U.K. Government makes no direct financial contribution to them, and their

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existence does not limit the freedom or access to public life of members of other churches. The Government provides funds for church schools.

In Northern Ireland, the Constitution Act of 1973 specifically prohibits discrimination on the basis of religious belief or political opinion. There is no similar law in Great Britain. There are no religious bars to holding public office. The sovereign must be a member of the Church of England.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

U.K. citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation.

The Prevention of Terrorism Act includes one exception to this general principle. The Act gives the Home Secretary the authority to exclude or prevent from entering mainland Britain anyone he believes may be connected with terrorism related to Northern Ireland, unless that person was born in Great Britain or has been ordinarily resident there for 3 years. Similar authority is granted to the Secretary of State for Northern Ireland to exclude persons not native to or resident in that province. Between November 1978 and March 1989, 287 persons were the subjects of exclusion orders in the U.K. As of March 1989, 143 of these orders still were in operation. The National Council for Civil Liberties has called exclusion orders a system of "internal exile" to exclude persons in Northern Ireland from entering Britain (which does not preclude travel outside of Britain). The Standing Advisory Commission on Human Rights objects to the continued availability of exclusion orders because the evidence used is not tested in any court. The Secretary of State must only be "satisfied" that a person is or has been involved in the commission, preparation, or instigation of acts of terrorism.

In Hong Kong, in response to the arrival of large numbers of people from Vietnam seeking asylum, the Government implemented a screening program in accord with an agreement concluded by the International Conference on Indochinese Refugees in Geneva in June 1989. Those who are determined by the screening process not to be eligible for refugee status are detained in camps pending determination of what will become of them. There were international complaints that the Government deliberately allowed living conditions in some camps to have inadequate standards of shelter, nutrition, and health care. At the same time, the widespread opinion of Hong Kong residents was that their Government should not expend any additional resources on the camps and asylum seekers.

On December 12, 51 Vietnamese were forcibly returned from Hong Kong to Vietnam on the grounds that they were found to be economic migrants, not genuine refugees. The ensuing public debate included the U.S. view opposing involuntary repatriation to Vietnam and favoring concerted international action to encourage voluntary repatriation of Vietnamese, on the one hand, and the U.K. view of the need to repatriate Vietnamese like other illegal immigrants, on the other hand. The U.K. Government undertook to monitor the treatment of the 51 returnees through periodic visits to their homes.

In the U.K., there were charges by human rights and immigration rights groups that the Government denied asylum to

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some who were entitled to recognition as refugees, among them Tamils and others from Sri Lanka.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is formed on the basis of a majority of seats in the House of Commons, won in freely contested elections held at intervals not longer than 5 years. Participation in the political process is open to all persons and parties, of which there are several, representing a broad range of political views. For parliamentary and local elections, all citizens 18 years of age and over have the franchise. Women have full rights of participation and are represented at all levels of British political life. Racial minorities comprise about 5 percent of the total population. There are several nonwhite members of Parliament, and there are nonwhite elected members of local governments.

Most British dependent territories have small populations, under 60,000, and are ruled by appointed governors or administrators assisted by executive councils (usually appointed) and legislative assemblies or councils (partly elected).

Hong Kong, with a population of over 5 million, is a free society with legally protected rights but without a broad democratic base. The Governor is appointed by the crown, and representative government with members selected by universal franchise exists only in rudimentary form and without formal political parties. The Hong Kong Government is committed to further democratization but elections, direct or indirect, determine only a minority of seats in municipal councils and the legislative assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government maintains an open attitude toward international inquiries into alleged violations of human rights in the United Kingdom. It cooperates fully with the European Commission of Human Rights in investigations of complaints and has usually taken steps to rectify its own laws and policies when they were found not to be in conformity with the European Convention on Human Rights.

The United Kingdom is a party to several human rights conventions, participates in international and regional human rights bodies, and is the host country to international nongovernmental human rights organizations, including Amnesty International. In 1973 the Standing Advisory Commission on Human Rights was established to monitor human rights in Northern Ireland.

The Hong Kong Government has cooperated with international and nongovernmental organizations, for example, by providing access to its centers for Vietnamese asylum seekers.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Race Relations Act bars discrimination on the basis of race, color, nationality, or national or ethnic origin, and outlaws incitement to racial hatred. Various studies,

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however, have shown disproportionate unemployment, low educational achievement, and other problems for some minority groups. In 1984 a code of practice on employment, proposed by the Commission for Racial Equality and accepted by the Government, took effect but does not have the force of law.

The Government has made improvements in the legal protection offered women in employment as a result of test cases taken to the European Court of Justice which have claimed that British law did not conform to European Community legislation on equal rights. U.K. tax laws as of 1990 will treat married women more equally. Women have equal property rights and equal rights in divorce courts.

The Government's technical and vocational education initiative, covering all students aged 14 to 16, was launched to counter sex stereotyping in the school system and in career counseling. Equal opportunity commissions were established in Britain in 1975 and in Northern Ireland in 1976 to assist in the enforcement of equal opportunity legislation.

There are no conclusive statistics on the extent of violence against women in the U.K. Women increasingly report violence in the family to the police; offenders in such cases often are prosecuted and may be imprisoned. Women's shelters, operated by voluntary groups, provide refuge for battered wives, and local governments routinely provide counseling services. Rape victims receive similar support, and convicted rapists usually are imprisoned. It is not illegal, however, for a man to rape his wife.

In Hong Kong, violence against women, including wife beating, occurs but the extent of the problem is not known. There has not been a significant increase in reported cases in recent years, but cultural and other factors are believed to hinder reporting of incidents to the authorities. The Hong Kong Government passed a domestic violence ordinance in 1987 covering violence inflicted upon spouses, cohabitants, and those under 21. Domestic violence also may be prosecuted under criminal statutes. The Government enforces these laws and prosecutes violators. Professional counseling and medical services are available to victims, and there are some private shelters for battered women.

There is no evidence of governmental discrimination on religious grounds in Great Britain. In Northern Ireland, however, anti-Catholic discrimination involves a complex range of historical and social factors. The majority Protestant community historically has controlled much of the local economy and been more prosperous than the Catholic community. Since 1972, when direct British rule was introduced in Northern Ireland, specific measures have been taken to combat religious discrimination. These include reform of the electoral rolls, prohibition of religious or political discrimination by any level of government, appointment of a Commissioner for Complaints to deal with grievances against local government, appointment of a central housing authority to meet the problem of discrimination in housing, prohibition of discrimination in employment, and a special effort to recruit more Catholics into the police.

Since 1976 the Fair Employment Agency (FEA) has served as the focal point of the Government's efforts to end job discrimination in Northern Ireland. Within the Northern Ireland civil service, the proportion of Catholics under age

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35 reflects their proportion in the population, but Protestants still dominate in the upper age groups. In Northern Ireland overall, the Catholic male unemployment rate is 2.5 times that of Protestant men.

The Fair Employment (Northern Ireland) Act, approved by Parliament in 1989, is intended to end employment discrimination and is aimed at outlawing even unintentional or "indirect" discrimination. All public sector employers and private firms with 25 or more workers must register with the new Commission, monitor the religious composition of their work force, supply annual monitoring reports to the Commission, and review their overall employment practice at least once every 3 years. Employers must have regard to the need for affirmative action measures to remedy underrepresentation and consider the setting of goals and timetables. They will face criminal penalties and loss of government contracts for failure to comply with the law. The Act also establishes a new Fair Employment Tribunal to adjudicate individual complaints of discrimination. While the legislation has been criticized by some for not proposing "strong and effective provisions for targets and timetables," in general it has been praised by leaders of the Catholic community.

PIRA assassinations and death threats have largely stymied government efforts to increase recruitment of Catholics, now around 10 percent, into the police force and related security fields. The PIRA has carried out a terror campaign not only against police officers but also against persons who provide services to the security forces. Since 1973, for example, 26 prison staff members were murdered while off duty.

In Hong Kong, the Chinese language has equal status with English in many government operations. Legislation is enacted on a bilingual basis, and Legislative Council proceedings are conducted in both languages. The Hong Kong Government actively promotes "localization" of the civil service by increasing the number of Hong Kong Chinese in top administrative and policymaking positions.

Section 6 Worker Rights

a. The Right of Association

U.K. workers have the right to associate freely, choose representatives, publish journals, openly promote their views, and elect representative assemblies to determine union policies and procedures. Workers in the dependency of Hong Kong have the same rights guaranteed by the Hong Kong trade union ordinance. British worker rights are underlined by U.K. ratification of relevant International Labor Organization (ILO) conventions which also apply in most instances to dependent territories, including Hong Kong.

U.K. unions are free of government control but must register their accounts with the government trade union certification officer. The law requires periodic selection of senior union officials by secret ballot. It also mandates secret ballots before strike calls, prohibits unions from disciplining persons who ignore strike calls, and establishes a procedure for trade union members to lodge complaints against their unions with a government-appointed ombudsman.

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There is no specific statutory "right to strike" in the U.K. or Hong Kong, and voluntary cessation of work may be considered a breach of contract. A system of immunities, however, protects unions and individuals from prosecution when engaged in legitimate disputes. Legislation adopted in the 1980's narrowed these immunities in the U.K. by excluding secondary strikes and those deemed to be political. Unions encouraging such strikes were fined in the courts and had assets seized. Where there is no right to strike, as with the police, there are alternative means to resolve disputes.

The British Trade Union Congress (TUC) lodged a complaint with the ILO, supported by the International Confederation of Free Trade Unions (ICFTU), about a series of legislative changes in the 1980's. The ILO's Committee of Experts (COE) in 1989 stated that it considers a number of aspects of the legislation are not compatible with the requirements of ILO Convention 87 on freedom of association. These include the concept of "unjustifiable discipline" by unions, the erosion of protection against civil liability for industrial action, and dismissals in connection with strikes and other industrial action.

The TUC also brought a separate complaint to the ILO about legislated restrictions in the U.K., charges which were repeated in a report of the ICFTU. The COE observed that the U.K. legislation was not compatible with ILO Conventions 87 and 98.

The TUC also complained to the ILO that the Government as an employer limited the freedom of association of public sector workers. The Government dismissed workers at a high-security communications facility who retained membership in a union after a government ban. The COE affirmed that the dismissals were in violation of Convention 87.

U.K. and Hong Kong unions maintain active affiliations with international organizations, although Hong Kong unions must first obtain government permission for such affiliations.

Politically, many major trade unions in the U.K. have traditionally had a close relationship with the Labour Party. The party and the unions pride themselves, however, on their independence. Unions are allowed to make political contributions if they have voted to establish separate political funds. Hong Kong unions, however, are not permitted to have political action funds and instead emphasize social and cultural activities.

b. The Right To Organize and Bargain Collectively

The right to organize and bargain collectively is deeply rooted in common law. It is confirmed under appropriate ILO conventions ratified by the U.K. which also apply to Hong Kong. There is no legal obligation for employers to bargain with workers' representatives, but collective bargaining is extensively practiced in the U.K. and involves 10.5 million workers, about 40 percent of the work force. Approximately 17 percent of Hong Kong's work force is organized.

In 1987, after a prolonged period when the Government and teachers' unions failed to reach agreement, the Government abolished the negotiating forum for teachers' contracts and empowered the concerned Cabinet Minister to settle disputes after hearing the recommendations of an advisory body. The

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Government said it will not establish a new negotiating procedure until 1991. The ILO, in response to a TUC complaint that this was contrary to Convention 98, asked the Government to ensure that new procedures would enable teachers to bargain collectively.

Hong Kong workers may appeal through industrial tribunals in cases of alleged antiunion discrimination. Remedies may include reinstatement, which rarely occurs, or indemnities, which are rarely imposed.

There are no export processing zones in the U.K. or its dependent territories and possessions.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited in the U.K. and its dependent territories and possessions and is not practiced.

d. Minimum Age for Employment of Children

The compulsory school age in the U.K. is 16, and children under that age are prevented from doing industrial work unless part of an educational course. Educational authorities may prohibit or restrict other employment of children. Child labor is only rarely a problem in the U.K. Children in Hong Kong may do part-time work at age 13 and full-time work at age 15. The Labor Inspectorate effectively enforces Hong Kong law.

e. Acceptable Conditions of Work

The U.K. and Hong Kong do not have legislated minimum wage rates. In some low-wage industries in the U.K., wage councils of employers and trade unionists establish wage rates which are enforceable for workers aged 21 or over. Minimum rates so established are substantially below national average wage figures. Trade unions expressed concern that a government proposal in December 1988 to abolish wage councils would leave U.K. workers without minimum wage protection.

The Health and Safety at Work Act of 1974 requires employers in the U.K. to ensure worker health and safety in ways that are "reasonably practicable." A Health and Safety Executive (HSE) enforces applicable regulations and may initiate criminal proceedings and issue enforcement notices. A Health and Safety Commission submits regulatory proposals to the Government, encourages research and training, and appoints investigatory committees. The law allows unions to name workers as safety representatives and requires employers to give paid leave for them to fulfill their functions. An employer must establish a safety committee if requested by two such representatives.

The U.K. system and practice for assuring health and safety is well regarded, but unions in 1988 said lack of staff and resources limit the abilities of the HSE. Oil rig workers expressed concern that the Department of Trade and Industry, not HSE, is responsible for safety on oil rigs.

Under legislation in Hong Kong the Labor Department's Factory Inspectorate promotes workers' safety and health in industry through education, publicity, and inspection. In 1988 it conducted nearly 70,000 inspections. The Occupational Health Division investigates occupational disease claims, conducts workplace environment testing, and provides medical examinations to workers handling hazardous materials.

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The Socialist Federal Republic of Yugoslavia is a multiethnic, federal state comprising six republics (one of which has two autonomous provinces); the Constitution terms the League of Communists of Yugoslavia (LCY) the "leading organized political and ideological force."

The ideology and practice of Yugoslav "workers' self-management" socialism differ substantially from the traditional centralized Soviet model. In the highly decentralized system set up by the late President Tito, the locus of power resides with republic and provincial government and party authorities. This system was intended to preserve stability among Yugoslavia's contentious ethnic groups, but it has also impeded effective leadership at the national level.

State security and uniformed police are under the jurisdiction of Federal and Republic Secretaries for Internal Affairs. The armed forces are under Federal jurisdiction, although a controversial amendment to the constitution of the Republic of Slovenia is intended to restrict their use in that Republic.

In the economic system, workers' self-management is intended to allow workers to run their own enterprises through a system of elected workers' councils. In practice, however, political officials have traditionally exercised considerable, and often decisive, influence over the management of enterprises in areas under their jurisdiction. The Yugoslav Government is embarking on a major program of economic reform, intended to open the Yugoslav economy to market forces by reducing government regulation, reforming the banking system, expanding competition by making enterprises more independent, and encouraging private enterprise and foreign investment. Obstacles to reform include political and bureaucratic resistance and economic difficulties, such as an inflation rate which may reach 2,500 percent by year's end. Nearly 85 percent of agricultural land in Yugoslavia is privately owned, and there is a growing number of private enterprises in services and small-scale manufacturing, particularly in the Republics of Croatia, Slovenia, and Macedonia.

Political pressure to observe human rights continued in 1989, coming both from within Yugoslavia and from external sources. Freedom of speech and freedom of expression in the media and the publishing industry increased, "alternative" political associations were founded in several areas, and the first direct elections were held in four republics, using the secret ballot and multiple candidacies (all from the LCY) to choose representatives to the collective Federal Presidency. The Republic of Slovenia continued to lead the way toward democratic practices.

In some other regions of the country with different historical and cultural traditions, political and civil liberties, including freedom of speech, press, and assembly, and the right to a fair trial continue to be restricted to varying degrees. There were numerous arrests on charges of "hostile propaganda" and similar offenses, particularly in Kosovo and in Macedonia, where ethnic Albanians accused of "nationalism and separatism" were the primary victims. According to government reports released in 1989, of 436 persons officially acknowledged to have been sentenced for political offenses in Yugoslavia, 336 were in Kosovo. March demonstrations by ethnic Albanians protesting the Serbian effort to assert

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greater control over the Province of Kosovo led to at least 25 deaths, including those of two police officers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reported instances of such killings in Yugoslavia.

b. Disappearance

No instances of prolonged or permanent disappearance were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Yugoslav Constitution and the law forbid torture, and there were no reports of its practice. However, there were numerous credible reports that people were sometimes beaten, mistreated, or threatened during detention in Yugoslavia. The Yugoslav press reported that many Albanians subjected to "isolation" after March demonstrations in Kosovo (see Section 1.d.) were subjected to beating, deprivation of food and heat, and other forms of mistreatment. In October guards were indicted for beating Albanian prisoners in two Serbian prisons. At year's end, the trial was continuing.

There are also credible reports that use of psychiatry is abused in Yugoslavia. In 1989 the "Anatoliy Koryagin Committee" was formed to document and protest psychiatric abuse. The Koryagin Committee claims to have recorded at least 60 such cases. The Yugoslav Forum for Human Rights, a quasi-official body, in an appeal to the Yugoslav President, included psychiatric abuse as one of the serious human rights problems in the country. Legal experts believe that government regulations designed to safeguard against involuntary admission to mental hospitals are sometimes ignored.

d. Arbitrary Arrest, Detention, or Exile

Yugoslav criminal law and procedures are influenced by the Napoleonic and Soviet law codes. They include many provisions inconsistent with generally accepted civil and human rights. Yugoslav law provides for pretrial detention for up to 3 months, with a possible 3-month extension, which is often implemented. Access to prisoners in pretrial detention by family or legal counsel is sometimes restricted, ostensibly to prevent interference with investigations. Fikret Abdic, defendant in the highly publicized "Agrokomerc" financial scandal, was held in jail for over 2 years during his trial and pretrial investigation.

In March, as part of government measures to counter demonstrations by Albanians protesting Serbian efforts to expand Serbian influence in Kosovo Province (see Section 2.b.), Yugoslav authorities subjected 237 Albanians from Kosovo to a legal procedure known as "isolation" which had not previously been used in Yugoslavia in this fashion. These people were rounded up and held for up to 3 months, in most

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cases denied access to attorneys or to families. The majority were not held in Kosovo but in prisons in Serbia, where they were subjected to beatings, cold, inadequate food, and harsh interrogations. Isolated prisoners were reportedly detained under suspicion of belonging to illegal organizations, contact with "hostile" emigre groups, illegal arms trafficking, and organizing strikes and demonstrations. Of the 237 persons isolated, 41 were eventually charged with criminal offenses and 18 with misdemeanors. Yugoslav human rights activists consider the way the authorities employed isolation in Kosovo to be inconsistent with Yugoslav criminal procedures, which apparently allow such isolation through house arrest but not through imprisonment. The use of "isolation" in Kosovo was widely criticized in the Yugoslav press and even by the President of Yugoslavia, and by July the authorities said that no one was being held any longer in this condition.

In February Yugoslav authorities arrested Azem Vlasi, a former leader of the League of Communists of Kosovo, on suspicion of "counterrevolutionary activity." The trial of Vlasi and 14 others began in November and was still under way at year's end. Based on the charges brought forward by the prosecutor, however, Yugoslav human rights advocates have argued that the charges against Vlasi amount to holding him criminally liable for policies he carried out, while a leader in Kosovo, which ran counter to those of Serbia.

e. Denial of Fair Public Trial

Each republic and province has its own criminal code and court system. Decisions by the highest republican and provincial courts, their supreme courts, may be appealed to the Federal Supreme Court, which seeks to ensure the uniform application of law. The Constitutional Court may rule on the constitutionality of laws and regulations. Offenses by those in the armed forces or offenses by civilians deemed to affect national security are tried in the military court system.

Defendants have the right to be present at their trials and to have an attorney, at public expense if needed. The majority of trials, including those on political charges, are conducted in accordance with Yugoslav legal norms, without overt interference by outside authorities. In some cases, however, Yugoslav courts may be influenced by political authorities. During debate in 1988 over a proposed constitutional amendment to remove the "moral-political" suitability test imposed for the election of judges of regular courts, considerable criticism emerged of political interference and other conditions (low pay, short terms of office, election by the local communities) which combine to make judges susceptible to outside influence.

In many political cases, the outcome is often predetermined by the political authorities. Moreover, the Yugoslav legal system contains numerous inequities toward the defendant, regardless of whether the trial is criminal or political.

Long periods of pretrial detention are allowed. The defense is sometimes restricted in the time allowed to prepare its case. While the prosecution can call as witnesses whomever it wants, the defendant has the right only to request the court to call witnesses, and the court has complete discretion whether or not to honor the request. The Supreme Court is considered to be more free of political interference than

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local or republic-level courts, according to some legal observers.

Although ordinary criminal trials are almost always open to the public, some political trials are not. In September observers from the International Helsinki Federation who sought to visit an "open" trial in Kosovo were told that foreigners could not attend.

The Federal Criminal Code defines a number of "political" criminal acts ranging from armed rebellion, terrorism, and espionage, to broad, imprecise categories such as hostile propaganda, "arousing national, racial, and religious hatred, dissension, or intolerance," and "damaging the reputation of Yugoslavia." In addition, the republic and provincial criminal codes cover a variety of misdemeanors considered political crimes, including "spreading false rumors and defaming the peoples and nationalities of Yugoslavia." Authorities frequently bring charges against those who make derogatory or inflammatory ethnic statements or other statements considered politically unacceptable. There is wide variation in local practice.

Yugoslav law permits the arrest and imprisonment of Yugoslav citizens for acts considered criminal offenses under Yugoslav law, even when they are committed abroad and are not crimes in the country in which they take place. Such cases are often based on the expression of views "hostile" to the Yugoslav Government or association with perceived anti-Yugoslav emigre groups. In February the Committee for Defense of Thought and Expression, a Belgrade-based human rights group, revealed that author Mihajlo Mihajlov's citizenship had been revoked by the Secretariat of Internal Affairs of the Republic of Bosnia-Herzegovina because of critical statements he had made in the United States about the Yugoslav Government. Yugoslav law permits the revocation of citizenship if the defendant had another citizenship (in this case, U.S. citizenship) and if he "through work abroad causes damage to the international and other interests of Yugoslavia...."

The precise number of political prisoners in Yugoslavia is difficult to determine. In 1989 Amnesty International estimated that at least 200 political prisoners were being held in 1988. Yugoslav authorities sometimes release statistics on "political" prisoners, but these are often incomplete or misleading. Moreover, Yugoslav statistics on political prisoners generally appear to refer to persons sentenced for criminal offenses and do not include the larger number of people who receive misdemeanor sentences of 30 to 60 days for verbal crimes under republic or provincial laws.

After an amnesty in November in which 45 political prisoners were released, Yugoslav government figures indicated that 232 persons were still being held in Yugoslavia for political crimes. Government statistics for 1988, released in June 1989, revealed that, of 517 political charges filed nationwide, 43 percent of the defendants were ethnic Albanians from Kosovo, many accused of engaging in "separatist" activities. Albanians were tried in other republics as well as in Kosovo.

In the first half of 1989, charges for political crimes were filed against 174 people in Croatia, resulting in 36 convictions, according to the Yugoslav press. As of September 19, 1989, in Kosovo, which has the largest number of political

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prisoners in the country, 1,180 people had been indicted for misdemeanors, and 56 for more serious criminal acts in connection with the March demonstrations. Yugoslav authorities state that such repressive measures are intended to repel a threat to political stability which they believe is posed by Albanian "nationalism and separatism."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Arbitrary interference in private life occurs most often in connection with government efforts to monitor opposition or dissident activity. Although the judicial system includes restrictions on arbitrary searches, these safeguards are sometimes ignored. Authorities eavesdrop on conversations, read private mail, and tap telephones in some cases. Yugoslav citizens are generally free to receive and read foreign publications; however, the publications of certain Yugoslav emigre groups, particularly those advocating the dissolution of the Yugoslav Federation or the redrawing of its internal political boundaries, are considered hostile in themselves, and their importation, possession, or sale is illegal. Possession or circulation of pamphlets advocating republic status for Kosovo in itself is considered a criminal offense. In April, for example, Ismail Sherifi was sentenced to 2 months' imprisonment for possessing photographs of symbols representing "Greater Albania," and many other Albanians have been similarly sentenced (see Section 2.a).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The continuing Serbian campaign to assert greater political control over the predominantly ethnic Albanian Province of Kosovo (an area within the Republic of Serbia that Serbs consider the historic cradle of their nation) led to demonstrations by Albanians in February and March. The Federal Government sent thousands of troops and police, introduced a curfew, and banned public meetings. After amendments to the Serbian Constitution were rammed through the Kosovo Provincial Assembly in March, youthful demonstrators began throwing stones at police, who responded with tear gas. On March 27, the demonstrations turned violent, resulting in the official toll of 25 deaths, including those of 2 police officers. According to official accounts, security forces did not begin firing until after one police officer had been killed by gunfire. Unofficial sources assert that the security forces used excessive force in dispersing the demonstrators, including by beating them, indiscriminately firing at them (sometimes from helicopters), and using ammunition designed to increase deaths and injuries. Unofficial and unsubstantiated reports assert that the number of demonstrators killed exceeded the officially admitted total. Government sources say 58,000 Albanians participated in the March demonstrations; they identified 1,665 of them and brought misdemeanor charges against 1,180 and criminal charges against 56. During demonstrations on November 2 and 3, at least three people were killed while protesting the trial of Azem Vlasi (see Section 1.d.), and 138 people were later convicted of misdemeanors in connection with the demonstrations.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Yugoslav Constitution and law affirm the freedom of speech and press, and there is a trend towards greater respect for these freedoms, both law and practice impose significant restrictions.

Arrests and convictions for what are called "verbal crimes" (most often charges involving "nationalism" or "hostile propaganda") continued in Kosovo Province and in Macedonia and also occurred in other parts of Yugoslavia. The charge is often used in combination with other charges such as "forming illegal hostile organizations." For example, in April Fikirye Musa was sentenced to 1 1/2 years' imprisonment in Pristina, Kosovo, for her unpublished writings, including pro-Albanian poetry, found in her possession. Ten others, all under the age of 22, were codefendants in the trial. Three defendants stated in court that they were exercising their freedom to express nonhostile and noncounterrevolutionary opinions. Nedzat Malichi and Hairedin Hiseni were sentenced to 5 years each, the heaviest sentences passed at the trial.

In March Muzafer Ljuti was sentenced to 60 days' imprisonment for shouting slogans in a restaurant and in a public square in Macedonia. In April Violtza Dushi, a bank director's secretary, was sentenced to 60 days' imprisonment for taking part in a demonstration in Urosevac, Serbia, where she shouted hostile slogans. Some months earlier, she allegedly had made a pro-Albanian speech to pupils at the local youth sports center.

Outbursts of nationalism from other ethnic groups also led to political trials. In July some 30 people were arrested and 6 convicted on misdemeanor charges of disrupting an official commemoration in Knin, Croatia, of the 600th anniversary of the Battle of Kosovo. One of these, Jovan Opacic, after serving his misdemeanor sentence, was indicted for the same actions under more serious criminal charges of "committing a criminal act against the Socialist self-management system and security of Yugoslavia" and "against the reputation of Yugoslavia." At his trial in September, the most severe charges against Opacic were dropped, and he was sentenced to 90 days' imprisonment on lesser charges.

All media are state owned, but the degree of official oversight varies from republic to republic. Government oversight of the media is carried out through publications boards, which include ranking party officials. There are important informal channels for official supervision of the press, including editorial staffs' use of self-censorship. Eighty-one percent of Yugoslav journalists in a recent poll said they were members of the League of Communists. If a story or press criticism displeases senior officials, journalists and editors may be reprimanded, removed, transferred, or encounter difficulty in future employment. In May local authorities in Bar, Montenegro, closed down Radio Bar because of its sympathetic coverage of a dockworkers' strike. Local authorities recommended that journalists covering the strike be disciplined, but republic authorities intervened on the strikers' behalf, and the station resumed broadcasting. Foreign broadcast media are easily received in Yugoslavia.

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Despite periodic bans on specific publications, the media have increased latitude to discuss and comment freely on a wide range of political and social topics. They directly criticize government and LCY officials at all levels, although, reflecting the political infighting among the republics, they prefer to target officials outside their own republics. Direct criticism of Tito is still rare and controversial. Albanians in Kosovo may well be jailed for calling for their Province to be given republic status within Yugoslavia, while in other parts of the country journalists or public figures may openly advocate this step. The first nonofficial newspaper since World War II began publication in 1989 in Slovenia.

Public prosecutors have the power to ban temporarily the publication and sale of books or periodicals if they think that the content is, for example, "false" or could "disturb" the public. However, a judge must review the temporary ban, and editors have the right to contest the prosecutor's decision at the hearing. In February Ratko Dimitrovic was sentenced to 3 months in jail for an article he had written in Politika, a Belgrade daily, in 1988. An issue of the magazine Nasi Dani was banned in April because it was found to be insulting to Bosnian officials. In 1989 at least nine magazine issues were banned, seven of them student publications. In three cases, the ban was later lifted by court order on appeal. Banning publications is usually done at the local or republic level. The criteria for such action varies from region to region; and criticism of the Federal Government was the most frequent reason cited for banning publications.

Indirect constraints can sometimes also be applied to publications. The Serbian youth magazine Non had its printing contract with the Politika publishing house canceled in November because of Non's criticism of Politika's stands in support of the Serbian leadership. Non was able to find another printer, however. In December Politika canceled the printing contracts of two other magazines, citing "technical reasons."

In book publishing, the authorities generally provide only loose oversight. The Yugoslav publishing industry puts out a wide range of U.S. and Western European books, including the works of Soviet and Eastern European dissidents. "The Satanic Verses" was published in both Macedonian and Serbo-Croatian in 1989, despite objections from Yugoslav Muslim groups.

Academic freedom was severely damaged in the Province of Kosovo when at least 30 instructors were expelled from the University of Pristina, and large numbers of teachers at all educational levels were disciplined or fired under suspicion of influencing students toward Albanian separatist views. At least 1,500 party members have been expelled in Kosovo for allegedly espousing separatist views, and Kosovo party officials have stated that those expelled should also be fired from "leading positions," including those in the managerial level of business enterprises.

b. Freedom of Peaceful Assembly and Association

The Yugoslav Constitution guarantees freedom of assembly, but this right traditionally has been severely circumscribed in practice. Public political demonstrations generally have been permitted only in support of official policies and by

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officially recognized organizations. All public gatherings must be registered by the authorities, who will often seek to ban those that run counter to official policies. In 1988 and 1989, however, thousands of discontented workers or farmers marched in peaceful but unauthorized protest demonstrations to Belgrade or republic capitals. The authorities generally met with the protesters and did not try to disperse them by force.

In 1989 there were a number of large demonstrations in Serbia, Kosovo, Montenegro, and elsewhere. Demonstrations by Serbs were tolerated or even encouraged if they coincided with the Serbian leadership's objectives. Albanian demonstrators in Yugoslavia, even if peaceful, faced possible use of force by police and dismissal from their jobs. Albanian demonstrations in Kosovo were banned and eventually dispersed by force. Demonstrations in Montenegro in January led to the overthrow of the Republic government. After a peaceful demonstration by several thousand Serbs on July 9 in the Croatian town of Knin, 6 persons were sentenced to 30 to 60 days' imprisonment on misdemeanor charges.

In Macedonia, Liman Jashari was sentenced to 10 years, and four others were sentenced to terms of from 6 to 8 years for organizing the August 1988 demonstration in Kumanovo of ethnic Albanians. In the Macedonian town of Bitolj, 10 ethnic Albanians were tried for "hostile propaganda," "association with the aim of carrying out hostile activities," and "counterrevolutionary acts." Eight ethnic Albanians in Macedonia were sentenced in 1989 to prison terms of from 5 to 11 years for participating in a demonstration on language rights.

In Kosovo, Yugoslav authorities reacted strongly to demonstrations and strikes in February and March (see Section 1.f.). Slovenian authorities banned a May 8 demonstration organized by nonofficial groups supporting the "Ljubljana 4," a group of journalists and one soldier convicted in 1988 on charges of revealing military secrets. The demonstration took place, however, when the official youth organization agreed to sponsor the event. Slovenian authorities banned a demonstration of Serbs and Montenegrins planned for December 1 in Ljubljana.

Freedom of association is guaranteed under the Yugoslav Constitution, and, although the scope of political association is limited by the monopoly of power of the LCY, many new nonofficial organizations have formed in the past year. To obtain legal status, organizations must register with the Government, but many do not, and the law is laxly enforced. In February the Association for a Yugoslav Democratic Initiative met for the first time in Zagreb. By the end of the year, the organization had chapters in many cities in Yugoslavia, including Belgrade, Sarajevo, and Titograd. A number of nonofficial organizations were founded in Croatia in 1989. In December the Croatian League of Communists agreed with a proposal by these groups for early republic elections in which all political groups could compete. Other new organizations include human rights groups and environmental groups in Montenegro and Serbia. In Slovenia, many alternative political associations formed in 1988 and 1989 will be competing for seats in the republic elections in the spring of 1990. Human rights organizations, for example the Yugoslav branch of the International Helsinki Federation, have unhampered contact with their international affiliates.

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Association for the purpose of hostile activities is a crime under Yugoslav criminal law, and this law has been used to prosecute ethnic Albanians who advocate republic status for Kosovo. In February 11 Albanians were convicted in Pristina, Kosovo, on this charge, receiving sentences of from 4 months to 8 years. In April, 10 ethnic Albanians were convicted in Prizren, Kosovo, on this charge, receiving sentences of from 1 to 5 years. Most of the accused belonged to an association called "Marxist-Leninists of Kosovo." A group of ethnic Albanian soldiers was convicted in January under this article for organizing a hostile association in their garrison in Nis in April 1988.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Yugoslav Constitution provides for freedom of religious practice but proscribes "abuse" of religion and religious activities for political purposes. Yugoslav authorities officially encourage atheism. Religious believers in Yugoslavia are not generally subject to overt persecution, but open practice of one's faith is normally a disqualification for high positions in government, business, the media, and academia. In practice, however, religious freedoms vary from republic to republic, depending in part on the political and historical role of the various religions. The largest faiths in Yugoslavia are Serbian Orthodox, Roman Catholic, and Islamic. Since World War II, the Jewish community has numbered fewer than 10,000, but it is active and well organized. There is a small Protestant community which includes denominations such as Pentecostals, Baptists, and Jehovah's Witnesses.

In Serbia, the Serbian Orthodox Church has enjoyed unusually good relations with republic authorities over the past 2 years. The Serbian media in general have provided an unusually comprehensive and sympathetic view of religion. Belgrade television covered Christmas celebrations in Belgrade, Zagreb, and Ljubljana in 1988 and the dedication of the new Cathedral of St. Sava in Belgrade in June 1989.

In Slovenia, where most believers are Catholic, the authorities also have displayed a tolerant attitude toward religion. In 1989 December 25 became an official holiday in Slovenia. The authorities in Croatia, however, have a more reserved position toward the Catholic Church, in part stemming from a tradition of conflict between the Catholic Church and the Communist authorities that goes back to World War II. All Saints' Day (November 1) became an official holiday in Croatia in 1989.

Yugoslav authorities maintain restrictions on the public activities of religious communities, including limits on religious education, on publishing activity, and on the construction of new churches and other facilities. In recent years, the application of these rules has been more relaxed in keeping with a somewhat more tolerant approach by the authorities toward all nonofficial activity. As yet, however, there have been no changes in the rules themselves. Religious communities in Yugoslavia have vigorous publishing programs, although they do not have their own printing facilities. The construction of new places of worship requires the consent of local government authorities, who sometimes construct

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bureaucratic obstacles. The Serbian Orthodox Church in Split, Croatia, a predominantly Catholic area, is having difficulty in getting permission to complete its Church, and the Islamic communities in Belgrade and Split have had applications pending to build new mosques for many years. Authorities in Macedonia have been reluctant to issue permits for the construction of new mosques. In the Banat region of Vojvodina Province, authorities reportedly denied permission to begin the construction of churches in 1989. In Zagreb (Croatia), the Jewish community has received official permission to construct a new synagogue, which will be combined with a Jewish cultural center. Several new mosques were completed in Bosnia in 1989, but up to 500 requests for building permits for religious edifices remain unfulfilled in this republic, where Muslims account for about 40 percent of the population.

Primary education outside the state system is not permitted in Yugoslavia. There are some opportunities for religious education at the secondary and university level for all major faiths. The Catholic Church, for example, maintains 8 secondary schools (about 100 pupils each), 2 theological faculties, and 5 seminaries in Croatia and Slovenia. The Serbian Orthodox Church has four high schools and two theological faculties, one of which just opened in 1989. The Yugoslav Islamic Association runs three high schools in the Muslim areas of the country and one Islamic theological faculty in Sarajevo. The degrees offered by these institutions are not officially recognized by the Yugoslav authorities. Yugoslav religious communities, both Christian and Muslim, also make vigorous efforts to provide religious instruction outside of school for children and young people.

Religious believers are subject to restrictions while doing obligatory military service. Active duty military personnel may not attend religious services or have religious materials in their possession. In April the Federal Presidency amended the law on military service to permit conscientious objectors to serve in the military without bearing arms for a period of 24 months, twice as long as the standard conscription period.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is provided for by the Constitution and generally permitted in practice. No exit permits are required to visit the more than 135 countries with which Yugoslavia has diplomatic or consular relations. Passports are routinely available to most Yugoslavs, and roughly half of Yugoslavia's population has passports for foreign travel. Approximately 700,000 Yugoslavs are employed as "guest workers" in Western Europe.

The Yugoslav authorities have sometimes denied passports to well-known dissidents, but recently prominent critics, such as Milovan Djilas and Dobroslav Paraga, have received passports and traveled abroad. In Croatia, human rights activists demonstrated in front of the Croatian Parliament in early 1989 to seek reinstatement of passports for the approximately 50 Croats who have had their passports confiscated or denied on political grounds.

In 1989, however, the authorities began to deny passports to Albanians and Gypsies, in large part because so many of them were seeking asylum in the Federal Republic of Germany (FRG). In 1988, 20,800 Yugoslavs sought asylum in the FRG. According

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to press reports, FRG authorities threatened to require visas for all Yugoslavs entering the FRG, which would have created a hardship for the approximately 600,000 Yugoslavs already living there. The Yugoslav Government responded by denying passports to several thousand people, mostly in Kosovo and Macedonia.

The law on the entry of foreigners into Yugoslavia notes the right of permanent asylum and provides for government assistance to persons granted that right. Yugoslavia extends temporary asylum to refugees who, with the assistance of the Belgrade office of the United Nations High Commissioner for Refugees (UNHCR), seek permanent resettlement in third countries. According to UNHCR figures, in the first 11 months of 1989, a total of 4,401 new cases were registered with UNHCR in Yugoslavia, and 4,171 cases were resolved by permanent settlement outside Yugoslavia. As of November 30, 1989, there were 1,081 people residing in Yugoslavia who had been accepted by the UNHCR refugee program but whose permanent settlement had yet to be arranged. Of those interviewed by UNHCR during this period, one-third were denied refugee status and returned by Yugoslav authorities to their country of origin.

Romania is the source of most refugees in Yugoslavia. The Yugoslav Government says it screens out what it considers "undesirables:" criminals, mentally ill people, and unaccompanied minors are sent back to Romania without the opportunity to be interviewed by the UNHCR. The number of Romanians seeking asylum who are returned to Romania without being interviewed by the UNHCR is a matter of some dispute. In October, about 30 Romanians (out of several hundred asylum-seekers held in a Yugoslav detention facility) were involuntarily returned to Romania following their participation in a hunger strike protesting the action of the Yugoslav authorities to force them to depart the country without being interviewed by the UNHCR. After the toppling of the Ceausescu regime, some of the Romanian asylum-seekers in Yugoslavia voluntarily returned to Romania.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Yugoslav citizens do not have the right to change the basic system of government. The 2-million-member League of Communists of Yugoslavia (LCY) formally maintains a monopoly on political power. The party's authority at the Federal level, however, is greatly dispersed and diluted because of the decentralization of decisionmaking power to the parties in the six republics and two provinces. With few exceptions, no major initiatives, including constitutional amendments, may be adopted by the Federal Government without the unanimous consent of the republics and provinces. Autonomous political "associations" proliferated in 1988 and 1989, reflecting a growing demand at the grassroots level.

The collective State Presidency (Chief of State) is responsible for overall policy direction. The Federal Executive Council (Cabinet), headed by the Prime Minister, is responsible for running the governmental machinery and proposing specific legislation. The terms of government officials are from 1 to 5 years, with a possible extension for one additional term.

The Federal Assembly, responsible for enacting legislation, operates sometimes by majority vote and sometimes by consensus

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among delegations representing the country's eight Federal units. Although over 99 percent of the assembly delegates are members of the LCY, the Assembly has been active and contentious in recent years and has several times rejected or drastically altered proposals endorsed by the Presidency and Cabinet. Its debates generally are fully reported in the media. As a result of 1988 constitutional amendments, in the spring of 1990 one house of the bicameral Federal Assembly will for the first time be chosen by direct election using secret ballots and multiple candidacies.

In 1989, for the first time, members of the Federal Presidency from Slovenia, Montenegro, Bosnia-Hercegovina, and Macedonia were elected in their republics in competitive elections by secret ballot. All the candidates were members of the LCY, and government organs controlled the list of candidates.

There are about 20 "alternative movements" in Yugoslavia, some of which are registered as official organizations and some of which are not. Some of the "alternatives" operate under the umbrella of the Socialist Alliance of Working People, a party-approved mass organization. Others openly advocate competition with the LCY and, in Slovenia, have indicated their intention to put forth lists of candidates in the 1990 spring elections. Independent groups in Croatia may do so as well. The national daily Borba printed the platforms of 16 alternative groups in June. Among the groups founded in 1989 were the Croatian Social-Liberal Alliance, the Alliance of Workers, the Social Democratic Union of Slovenia, and the Association for a Yugoslav Democratic Initiative. An old established organization, the Serbian Writers Association, issued a public statement in May calling for an independent judiciary, a free press, and the introduction of a multiparty system in Yugoslavia.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the past, the Government criticized Western charges of human rights violations within Yugoslavia as interference in Yugoslav internal affairs and as efforts to bring pressure on Yugoslavia to alter its social, economic, or political system. In recent years, the Government has been somewhat more willing to acknowledge human rights as a legitimate topic for other governments. It is still reserved about discussing specific instances of human rights violations, particularly alleged violations in Kosovo. A fact-finding mission from the European Parliament in June was denied a meeting with political prisoners and was harshly criticized in the press. A September delegation from the International Helsinki Federation met unofficially with ethnic Albanians and Serbs but was denied any meetings with government officials. The group returned in October for meetings with government officials, including the President, the first time an official of that rank had met with human rights activists. Yugoslavia is a member of the U.N. Human Rights Commission.

Of the domestic human rights groups, the largest is the Forum for Human Rights, established by the Socialist Alliance to monitor domestic human rights trends and foster understanding of Yugoslavia's international commitments to human rights. The Forum has presented findings and suggestions for changes in the legal code to the Federal Presidency and the Federal

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Ministry of Justice, including elimination of "verbal crimes" and the practice of isolating prisoners.

Helsinki Watch has a branch in Yugoslavia, and several independent human rights groups have sprung up among the "alternative movements." In April, 30 human rights organizations from all over Yugoslavia met for the first time in Sarajevo, Bosnia. They founded a joint committee, the Sarajevo Trial Working Group, which on December 11 published a letter in the national daily Borba criticizing human rights abuses in a 1983 trial of Muslim fundamentalists.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for the equality of citizens regardless of sex, and the Government is officially opposed to racial discrimination. Despite government efforts, however, some social prejudice continues to exist, particularly with regard to ethnic Albanians and Gypsies, who constitute 8 and 0.7 percent respectively of Yugoslavia's population. On the other hand, the Serbian minority in the Autonomous Province of Kosovo has complained sharply of physical mistreatment and discriminatory practices on the part of the Albanian majority (over 90 percent of Kosovo's population).

Ethnic Albanians are concerned about anti-Albanian sentiment in the country as a whole. There is legitimate suspicion that certain government policies on family subsidies are specifically aimed at ethnic Albanians, who have the highest birthrate in Europe. Macedonia already limits "social welfare" payments to the first three children in a family; Serbia is considering plans to follow suit. Macedonian authorities have manipulated building code regulations governing the height of walls to justify the bulldozing of walls that traditionally surround Albanian homes in the Republic.

In an effort to reverse the emigration of Serbs and Montenegrins from Kosovo, Serbia restricts all sales of real property in Kosovo by Serbs and Montenegrins to Albanians. Prospective sales must be submitted to a review board which determines whether or not the sale was "coerced" by the Albanian purchaser. In practice, this amounts to a ban on purchase of Serbian and Montenegrin property in Kosovo by Albanians. Some try to avoid the restriction by engaging in "secret sales," which is a criminal offense. In September two ethnic Albanians were sentenced to 60-day jail terms for secretly buying Serbian property in Vucitrn. It appears that only Albanian buyers are prosecuted for such transactions, not Serbian sellers.

Similarly, jobs and housing are reserved for ethnic Serbs who wish to move back to Kosovo. Some Albanians were fired simply to make room for returning Serbs. In one instance, the nephew of the former Kosovo party chief Azem Vlasi was fired because "his presence was an irritant to the Serbs in the workplace," according to the Yugoslav press.

There is legal equality of the sexes under Yugoslav law. Maternity leave for employed women is routinely granted for periods between 9 and 12 months. Working mothers are given day-care allowances based on their salaries and the number of children to be cared for. Also, a working mother may take sick leave when her child is ill (up until 2 years after its

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birth), and the father may do so when the mother is ill.

Statistics on the prevalence of violence against women are not readily available, but spouse abuse is not uncommon in the lesser developed parts of Yugoslavia. Legal penalties for spousal abuse are the same as those for assault of any person; however, the abused spouse must make out a complaint, and this is seldom done. Data collected by feminist hotlines in Zagreb, Belgrade, and Ljubljana over the past 2 years recorded 6,000 women who reported wife abuse. The same source reported that women's lives were endangered in one case out of five. The official Yugoslav Women's Organization has begun a legal initiative to exact harsher legal penalties for wife abuse and rape and to make the Slovene Republic law against rape within marriage also a Federal law. Federal marriage laws allow the woman to keep her maiden name, to continue working if she wishes, and to have "equal input in the decision as to where the couple will live." There are feminist groups in the larger cities of Slovenia, Croatia, and Serbia (including Vojvodina) campaigning for improvements in women's rights.

Section 6 Worker Rights

a. The Right of Association

Since 1950 Yugoslavia has had a unique industrial relations system in which most enterprises are neither privately owned nor owned by the state, but are defined as socially owned. Neither the Yugoslav Constitution nor the law prohibit the formation of unions outside the structure of the sole labor central known as the Council of Trade Unions of Yugoslavia (CTUY). However, the CTUY is accorded various rights and responsibilities under legislation, and the Constitution also provides that unions shall pursue the objective of building and defending a self-managing Socialist society.

Trade unions are organized geographically by republic and province and by craft at all levels. Workers are not required to join the official unions, but virtually all workers (93 percent) in the socially owned sector of the economy do. The trade unions are formally independent of the Government and the LCY but unquestionably are influenced by political leaders. The degree of political influence appears to vary considerably by region and level. Trade union independence in general appears to be growing, as reflected in the increasing frequency of strikes and strike threats organized by the unions. (A majority of strikes in 1989 were organized by union bodies.)

Federal law makes no provision for the free formation of independent trade unions, although there is no specific ban either. At the republic level, an amendment to the constitution of Slovenia adopted in September provides for free trade union association. In Croatia, the Republic Presidency and official union organization have both publicly backed the free formation of independent unions. Moreover, workers in that Republic established their own railroad union in November, and Yugoslavia's commercial pilots formed an independent union in December. The issue has not become relevant for small private firms to date, and the rights of the trade unions to organize in the private sector are guaranteed by the new law on labor relations.

Yugoslav workers have had a constitutionally guaranteed right to strike since November 1988, although strikes have been

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commonplace for years. A law on strikes is currently under debate in the Federal Assembly. The right to strike includes, and is exercised by, workers in socially owned firms and the Government. Preliminary figures indicate some 1,900 strikes occurred during 1989, involving 470,000 workers.

Strikes are resolved through negotiations between the workers' strike committee and a combination of management, the workers' council, and (at times) politicians. The position of the trade union generally depends on the activism of the union local. In Slovenia, Croatia, and Macedonia, official union policy enjoins locals to support or sponsor strikes favored by a majority of workers.

Although not a participating member of the World Confederation of Labor since 1950, the CTUY has good cooperation with that organization, as well as with the European Trade Union Confederation. The CTUY, although not a member of the Communist-controlled World Federation of Trade Unions (WFTU), has also begun cooperation with the WFTU at the craft union level.

b. The Right to Organize and Bargain Collectively

Western-style collective bargaining has not existed in Yugoslavia. The new law on labor relations introduces the concept of "collective agreements" to be negotiated between the unions and Chambers of Economy (semiofficial Chambers of Commerce), but the system remained untested in 1989. Workers at present continue to protect their interests through the self-management system.

All large firms in Yugoslavia are socially rather than privately owned. All the employees at any one enterprise belong to the same trade union, which also includes the managers. Under Yugoslav law, workers elect their council (a body separate from the trade unions) which has a voice in selecting management and must approve by majority vote major (and sometimes minor) business decisions, including wage levels, by the enterprise. Enterprise managers are increasingly bound by law to more Western-style standards of business discipline. Yugoslavia has no economic incentive zones, nor are there any special industries where labor standards differed from those elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by the Yugoslav Constitution and is generally not practiced. However, many Yugoslavs were surprised to learn during the State's enforcement of "special measures" (i.e., a state of emergency) in troubled Kosovo Province that the Government may impose a "work obligation" on workers in industries of "broader social significance." The "work obligation" was also invoked during the September strike of railroad workers in Croatia, despite the fact that no state of emergency was in place at the time. Violation of the "work obligation" may be punished by criminal and administrative penalties.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 16 years. Of those unemployed in Yugoslavia, 78 percent are under the age of 30, and in practice, young people often must wait years for their first job.

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e. Acceptable Conditions of Work

Yugoslavia has an official 42-hour workweek, with generous vacation time and sick leave benefits. The republics set minimum wage levels, which vary widely in keeping with varied levels of economic development and prices. The August minimum monthly wage in more developed Slovenia, for example, was roughly the equivalent of \$170, while in poorer Montenegro it was roughly \$35. Wage levels were raised frequently during the reporting period. The trade unions point out that minimum wages lag behind inflation, leaving workers who earn only the minimum at or below "the poverty line."

Yugoslavia has extensive federal and republic laws and regulations on worker safety. Occasional press reports and informal observations of many Yugoslav workplaces suggest that enforcement of work safety rules is lax.

NEAR EAST, NORTH AFRICA, AND SOUTH ASIA

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The Peoples' Democratic Party of Afghanistan (PDPA) came to power in a coup in 1978 and imposed a totalitarian system backed by a Soviet invasion in 1979. Since its establishment, the regime has faced continuous armed opposition--supported by a large portion of the population. Unable to subdue the resistance of tens of thousands of armed "mujahidin" fighters, the Soviet Government began a 9-month troop withdrawal which was completed on February 15, 1989. The regime's control has been reduced to Kabul and other population centers, garrisons to protect them, and some lines of communication if the regime uses sufficient military force to protect them. While the regime has been able to stave off a final victory by mujahidin troops, it has been unable to expand its area of control. In February the regime declared a state of emergency and put political power in the hands of a 20-member Supreme Military Council for the Defense of the Homeland. Fighting between regime and resistance forces continued throughout 1989.

During its war of occupation, the Soviet Union employed massive air and artillery bombardments and emplaced millions of mines. The fighting generated over 5 million refugees, one-third of Afghanistan's prewar population. International observers estimate that over 1 million Afghans have died as a direct consequence of the war.

For its part, the resistance has sought to attain a greater degree of political unity and offer an alternate form of government while continuing its efforts to oust the Kabul regime. Disunity among resistance groups, however, has contributed to the regime's ability to survive. In February 1989, representatives of the major resistance parties formed the Afghan Interim Government (AIG) to oversee a transfer of power. Since its establishment, the AIG has been organizing its ministries and seeking to broaden its support, although by year's end much work remained to be done.

Internal security functions in regime-controlled areas are performed primarily by the secret police under the Ministry of State Security (WAD). More than 25,000 Afghans are thought to work for the Ministry, with Soviet security advisers.

The Afghan economy is basically agricultural, with land tenure in the hands of individuals or family/tribal groups. An entrepreneurial/trading class and some small scale manufacturing exist. Continued fighting through 1989 added to the already tremendous dislocation suffered by the economy in the war. As a result of war damage, as well as abandonment and neglect, the economic infrastructure will require years to recover.

There was little change in the human rights situation in 1989. On the one hand, the regime allowed a political group, the National Salvation Society, to form, and published a list, with profound apologies, of the names of 11,000 people executed during the first 20 months following the coup in

*Since the American Embassy in Kabul was closed for security reasons in January 1989, the United States has no official observers in Afghanistan. This report therefore draws to a large extent on unofficial sources.

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1978. On the other hand, the February state of emergency limited still further freedom of expression and public assembly and the right to privacy. Virtually all of the categories of human rights discussed in this report are denied outright or are severely restricted. The U.N.'s Special Rapporteur, in his report issued on October 30, 1989, sets the number of political prisoners at 3,000, with the conditions of prisoners awaiting trial or verdict described as deplorable.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Arbitrary killing and other acts of violence against suspected opponents of the Kabul regime were commonplace. Executions continued in Afghan prisons, often following summary trial and conviction--sometimes for political offenses--by special courts. Reportedly, regime forces and some mujahidin groups have executed prisoners in the field. The fierce fighting early in the year around the city of Jalalabad involved reported mujahidin executions of regime troops who had surrendered.

There have also been murders of Afghans both inside and outside Afghanistan which have been ascribed to mujahidin groups as well as to WAD agents.

b. Disappearance

Disappearances continued in areas under regime control. This is frequently the result of the impressment into military service of males as young as 13 years old. Some persons also disappear as a result of the action of mujahidin, who have been reported to have abducted or captured regime military and civilian cadre and suspected regime collaborators.

In its October report, Asia Watch cites five cases of disappearances of intellectuals and alleges that throughout the conflict the distribution of arms and aid has been an important factor in the conflict among resistance groups and that aid workers and intellectuals have been a frequent target of attack.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Regime authorities frequently use torture to punish or to extract information or confessions. The practice is sufficiently widespread to indicate that it has official sanction. Torture techniques include both physical and psychological abuse; the use of electric shock to sensitive areas of the body, immersion in water, and beatings are common forms of abuse reported by victims and witnesses. Threats of abuse against family members and prolonged sleep deprivation are typical forms of psychological torture. Some reports describe cases of mental disturbances induced by torture in regime prisons.

In its 1989 Report, covering 1988, Amnesty International (AI) noted that it had continued to receive reports of the torture and ill-treatment of prisoners, although again, as noted in its 1988 report, on a smaller scale than in previous years.

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d. Arbitrary Arrest, Detention, or Exile

There are no legal safeguards to prevent arbitrary arrest or detention. Afghans living in areas controlled by the regime face unwarranted seizure by security personnel. Often, detainees are either not told of the charges against them before trial or are simply not brought to trial. Arrest warrants are not issued, and the right to judicial determination of the legality of detention is not accorded. Detainees typically are held incommunicado, sometimes for years, as is the case with several hundred prisoners held in the WAD sections of Pol-e-Charkhi prison. Although bail is sometimes granted, it is not a standard feature of the regime's legal procedures. Formal charges may come only after months of interrogation.

There were continuing instances of arbitrary detention in 1989, principally as a result of the impressment of civilians into military service in Kabul and, to a lesser extent, in other cities controlled by the regime. The Kabul regime's military and secret police continue to impress large numbers of underage boys into the military, taking them from the street and sometimes from classrooms and homes. The authorities do not inform the parents of the young men of their impressment. Relatives of soldiers who desert are often arrested by the regime to punish the deserters and deter others from deserting. Since the Soviet departure, regime impressments have been stepped up.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All courts are controlled by the ruling PDPA, and defendants may be denied their legal rights because of charges regarding their political beliefs. Most persons accused of nonpolitical crimes are tried in the ordinary criminal court system under the norms of judicial codes in existence before the PDPA coup of 1978. Those political detainees who are charged and brought to trial are usually arraigned on allegations of treason, espionage, or terrorism and are tried and sentenced in secret. As a rule, they must provide their own defense, without benefit of counsel.

Death sentences generally are carried out quickly after a perfunctory review by the authorities. There is no mechanism to appeal a death sentence. The U.N.'s Special Rapporteur for Afghanistan, in his report of October 30, 1989, notes this as a contradiction to Article 14(5) of the International Covenant on Civil and Political Rights, to which Afghanistan is a party. According to the 1987 Constitution, death sentences are carried out after the approval of the President. In areas not controlled by the regime, civil and criminal cases are tried by Islamic judges (qazis) and community elders under Islamic, or Shari'a, law and according to Afghan custom. Asia Watch reports that trials of Afghan prisoners by mujahidin parties during the war do not conform to internationally recognized standards of fair trial.

No precise estimate is available on the number of political prisoners held by the regime, but observers agree that it is at least 3,000. The mujahidin are not known to hold political prisoners, although they do detain Soviet and regime personnel for extended periods. An unknown number of Soviets, captured prior to the withdrawal, are still being held by the

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resistance in the hope of exchanging them for prisoners held by the regime and, the resistance claims, by the U.S.S.R.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional protections were suspended by the February 17 declaration of a state of emergency. Afghans complain that regime forces routinely employ sweeps through residential areas and confiscate property, including homes. Telephones are frequently tapped and correspondence monitored.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Prior to its withdrawal in mid-February, the Soviet Union launched an intense campaign of bombardment along supply and evacuation routes as well as in areas where regime garrisons were hard pressed by resistance forces. These attacks caused large numbers of casualties indiscriminately among the civilian population. Following Soviet withdrawal, the Kabul regime continued high altitude bombing and began frequent launches of inaccurate yet powerful Scud surface-to-surface missiles. At least 1,000 Scuds were launched between February and late October, causing, together with bombings and artillery barrages, hundreds of additional civilian deaths and injuries. Regime and Soviet forces placed millions of landmines around fortifications or scattered them by artillery or aircraft during the Soviet occupation. More have been used by the regime since the Soviets left (and a lesser number of mines, especially antitank mines, have been sown by the mujahidin). Nothing has been done by the Soviets or the regime to remove them or help the U.N. accomplish the task. Although the U.N. has sponsored a program to detect and remove mines, the mines will pose a significant hazard to civilians for years.

Mujahidin rocket attacks against airfields and military positions under government control have also caused numerous civilian casualties. Asia Watch, in a report published in November, focused on allegations of human rights abuses perpetrated by various resistance groups, most frequently the Hezb-e-Islami of Gulbuddin Hekmatyar. These included politically motivated murders and kidnappings of Afghan refugee intellectuals, killing of prisoners, and indiscriminate attacks on government-controlled civilian targets.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions regarding freedom of expression were suspended under the February 17 declaration of a state of emergency. The regime tolerates almost no criticism in the public media, and private criticism can result in detention and arrest. Afghans are guarded in their conversations lest antiregime comments be reported to the secret police. There is no academic freedom, leading to a continuing exodus of academics and intellectuals, and the educational infrastructure is seriously at risk. All media are owned and controlled by the regime and tightly supervised. The press, radio, and television are used exclusively to convey the regime's policy and interpretation of world events. The unlicensed import and sale of non-Soviet video and audio tapes, magazines, books, and posters are forbidden, although this ban is generally

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ineffective. Western radio broadcasts in local languages are frequently jammed, although some programs do get through.

b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly and association in areas controlled by the regime. The February declaration of a state of emergency put further limits on constitutional rights to assemble. A 1987 party decree passed by the Revolutionary Council theoretically provided for the expression of political views at variance with those of the PDPA, but the party continues to set the bounds for acceptable dissent. While political demonstrations do occur, they are invariably staged by the Government. Attempts to hold unauthorized peaceful assemblies are dealt with forcefully. Large numbers of people from the upper and middle classes have fled the country because of severe restrictions on political and social activity.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population of Afghanistan is overwhelmingly Muslim. Although Sunnis predominate, with 80 to 90 percent of the population, there is an important Shi'a minority primarily concentrated in the Hazarajat region of central Afghanistan and, since the war began, in Kabul. Small enclaves of Hindus and Sikhs traditionally have lived peacefully alongside their Muslim neighbors.

Since the 1978 coup, the regime has sought, with marginal success, to supervise strictly all religious organizations. The regime's policy pronouncements, including statements by President Najibullah, routinely invoke religious terminology in what is seen by most Afghans as a cynical effort to appeal to the populace. The regime has made some effort to win support from Muslims through the construction and repair of mosques and religious schools. Within the last year, the regime has declared its dedication to Islamic ideals and does not interfere with the practice of religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel remains severely restricted by wartime conditions. In 1988 the regime reportedly loosened its requirements and lowered the charge for obtaining a passport for foreign travel.

The large numbers of mines remaining from the Soviet occupation and additional mining by regime forces, since the Soviet withdrawal, of the principal overland routes and passes (as well as the smaller number of mines sown by the mujahidin) have caused a large number of casualties among the civilian population and creates serious risks for returning refugees who travel over these routes.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Afghan citizens have neither the right nor the ability peacefully to change their government. The regime-controlled areas of Afghanistan have a totalitarian government under the

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control of the PDPA, which is kept in power by the Soviet Union. The ruling PDPA is modeled closely on the Soviet Communist Party. Under military pressure from the resistance, the PDPA has presented proposals for various ways to change the country's form of government, including creation of a coalition transition government. However, under these proposals, the PDPA would continue to hold the reins of real power.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The regime's relationships with international humanitarian organizations investigating human rights practices in Afghanistan is now less obstructionist than in the past. The International Committee of the Red Cross (ICRC) was granted permission in 1988 to visit persons detained by the Government, and such visits are now taking place. The ICRC also continues to conduct a medical program in Kabul.

The U.N. Special Rapporteur on Afghanistan, Felix Ermacora, visited Kabul in September, at the invitation of the Government, to gather material for his fourth report on human rights in Afghanistan which he submitted in an interim form in October. His report covers a wide range of human rights abuses and issues on both sides and offers a series of recommendations. In its 1989 Report, covering 1988, AI noted that in April it had appealed to President Najibullah and to Soviet authorities to ensure that allegations of torture and extrajudicial executions would be fully investigated and that those found responsible be brought to justice; there was no indication that a response had been made.

Some mujahidin groups have permitted the ICRC and journalists sporadically to visit some Soviet and Afghan prisoners held by them. In June leaders of the Afghan Interim Government (AIG) met with a group of private citizens from the U.S.S.R., which included relatives of Soviet soldiers missing in action. During the year other private individuals and organizations met with AIG leaders on the prisoner-of-war (POW) issue. In November two Soviet POW's were released to their families and returned to the Soviet Union.

Section 5 Discrimination Based on Race, Sex, Religion, Language, and Social Status

In traditional Afghan society, the participation of women in activities beyond the home and field is limited by long established beliefs, customs, and religious practices. The social position of some women, generally those residing in Kabul, has improved somewhat over the past decade. The disruption of the war and diversion of large numbers of males to military service and combat have affected the lives of women living in areas controlled by both the regime and the resistance. Under the regime, the role of women in some nontraditional occupations such as banking, the media, and the civil service has expanded. Women have suffered because of social and ideological pressures in the refugee community in Pakistan. What little freedom they had before has been greatly circumscribed. Attitudes towards women's roles remain a subject of debate within the resistance, including assertions by some fundamentalist parties that there should be further restrictions on public appearances by women. But even among fundamentalists some change is detectable. One of the

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fundamentalist parties, Gulbuddin Hekmatyar's Hezbi-e-Islami, has issued membership cards conferring voting rights on females. The Special Rapporteur noted in his report that a special matter of concern is the abduction and mistreatment of Afghan women.

Violence against women is known to occur in Afghanistan, but little is known about its extent. Abuse within the family is seldom mentioned publicly in this traditional society, and the regime does not acknowledge the existence of a problem. There are no official statistics on the subject.

Afghanistan is home to several religious sects and a number of ethnic, tribal, and linguistic groups whose relations to one another have traditionally been marked by rivalry and occasionally by hostilities, both within the regime and the resistance. Local loyalties often override those to the nation as a whole. A particularly strong line of cleavage along religious, ethnic, and geographic lines lies between the minority Shi'a and the traditionally dominant Sunni Afghans. Internal regime politics reflect these rivalries, but the PDPA also tries to take advantage of them for its own purposes. This includes dispatching troops belonging to one ethnic group to other parts of the country where they are not normally present. This continues a longstanding practice--which predates the Communist takeover--aimed at making it easier to repress the local population and to prevent military defections, but it also heightens hostilities between groups and sparks frequent violence. Shi'a Muslim resistance groups are not represented in the seven-party resistance Alliance, in part because of traditional antipathy and discrimination on the part of Afghan Sunnis toward their Shi'a countrymen.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the labor law (enacted in 1987) assert that individual workers have the right to form trade unions, and such unions are theoretically independent of state organs. In practice, however, the structure of union organization is modeled on that of the Soviet Union, individual unions are overseen by the Central Council of Trade Unions, an umbrella organization controlled by the ruling PDPA, and there is no evidence of worker participation in decisionmaking. There is no provision in law for the right to organize independent unions, and there is no right to strike. Workers have been threatened with loss of jobs or imprisonment for refusal to join party organizations. The Central Council of Trade Unions is affiliated with the Communist-controlled World Federation of Trade Unions. Afghanistan has been a member of the International Labor Organization (ILO) since 1934 but has ratified neither ILO convention 87 regarding Freedom of Association nor Convention 98 on Collective Bargaining.

b. The Right to Organize and Bargain Collectively

Within the constraints mentioned above, workers have the theoretical right to organize and bargain collectively. According to labor law, in large economic organizations at the end of each Afghan year, a new collective contract is signed following negotiations between the management and the councils of representatives of the trade union organizations at the primary level with the consensus of the workers' collective:

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In practice, there is no genuine labor-management bargaining and the workers' collective rubber stamps decisions taken by officials. There has been some discussion about setting up labor courts and other mechanisms for the resolution of disputes, but no action has been taken.

There is no indication that there are any special economic or export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids the imposition of forced labor, but notes that the "performance of compulsory labor in wartime, natural calamity, and other states of emergency which threaten public life and order shall be excluded from this." Given that wartime conditions exist, and that the regime imposed a state of emergency in February, this constitutional provision is, in effect, superseded. The most frequent manifestation of the use of forced labor is the "voluntary" labor engaged in by students for short periods for construction projects during their annual vacations, during a time when they are seconded to the military.

d. Minimum Age for Employment of Children

The labor law specifies the conditions of work for adolescents, noting that persons aged 13 to 15 should work a maximum of 30 hours a week, and those aged 16 to 17 should not work more than 35 hours a week. The law also specifies that adolescents should receive the same pay as persons 18 and older.

e. Acceptable Conditions of Work

The labor law stipulates that the usual hours of work on average should not exceed 40 hours a week, and that on Thursdays working time should not exceed 5 hours. Provision is made for time off for prayers, meals, holidays, weekends, annual leave, sick leave, and emergency leave. No information on any statutory minimum wage is available. There are general provisions which set out the employer's responsibility to ensure healthy and safe conditions of work, and accident compensation. There appear to be no effective enforcement mechanisms to ensure fair and safe labor practices. The State Committee on Labor and Social Security is understaffed and, like most ministries and state committees of the current regime, not very active.

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Following several years of deteriorating economic conditions and an eruption of urban riots in October 1988, Algeria took steps toward a more open, multiparty political system in 1989. The approval of a revised Constitution in February formally converted Algeria from a Socialist state, in which power had been invested in a single party, the National Liberation Front (FLN), to a multiparty system. However, President Chadli Bendjedid, as Minister of Defense and Chairman of the still dominant FLN, continued to hold decisive political power. The FLN remained the only party represented in the National Assembly.

Internal security is maintained on a day-to-day basis by the urban police (Surete) and the rural police (Gendarmerie), which generally adhere to constitutional guarantees against arbitrary arrest and imprisonment. When major breakdowns of internal security occur, as happened in October 1988, the security forces (General Delegation for Documentation and Security) and the armed forces assume important roles in restoring internal order. In the past, they have been known to ignore constitutional protections.

The Government continued to pursue an economic structural reform program that emphasized the development of agriculture, job creation, and decentralization of economic decisionmaking. Low oil prices, high population growth, and inflation hampered the Government's efforts to meet social needs. Popular discontent focused on massive unemployment, inadequate housing, below-standard education, and chronic scarcity of consumer goods.

The Government took a number of steps in 1989 which advanced human rights in Algeria and provided the potential for additional improvement. The new Constitution provides for the right to form political parties and civic associations and to strike, and reinforces the rights to freedom of expression, opinion, and assembly as well as the independence of the judiciary. The Government also abolished the State Security Court, legalized 14 political parties, and significantly reduced restrictions on the press.

The Government's failure, however, to arrest and prosecute those in the police and security services who killed and tortured several hundred people during the October 1988 riots remained an important human rights concern. In an atmosphere of rising Islamic activism, significant societal and legal discrimination against women also remained a major problem, but received increasing attention from many of the newly organized political parties and civic associations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings in 1989, in contrast to 1988 when the army killed several hundred persons during widespread urban rioting.

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b. Disappearance

There were no reports of abductions, secret arrests, or clandestine detention in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The National Committee Against Torture alleged in June that there were incidents of excessive police force in 1989, including two cases in which suspects were reportedly blinded while in detention. There was no independent confirmation of these charges; the Algerian League of Human Rights (ALHR) contended that there had been no credible reports of torture since October 1988.

President Bendjedid promised in November 1988 to launch an investigation into reports, generally accepted as true, that the police and military security services used systematic torture during the October 1988 riots. He also promised to punish the guilty. His promise followed the publication of accounts of six cases of torture reported in the French-language weekly *Algerie-actualite* and the release of an ALHR report on 51 torture cases, both of which contained graphic accounts of the methods of torture employed (see the Country Reports on Human Rights Practices for 1988). According to the ALHR report, one victim died as a result of torture.

There was no evidence in 1989 that the President's promise to prosecute torturers had been kept. The Government has not carried out an investigation into charges of torture, nor have any dismissals of police or security service personnel linked to torture charges been made public. Even though the National Assembly in 1989 ratified the 1984 U.N. Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Assembly never publicly questioned the practice of torture inside Algeria.

In October 1989 the National Committee against Torture published a so-called black book on torture. Printed by a state-owned printing firm, the report contained 87 accounts (some previously published) of police abuse or torture alleged to have occurred during or shortly after the October riots. According to these accounts, the police, Gendarmerie, and military security all employed torture. The accounts alleged that, for persons suspected of having participated in rioting and looting, the police used torture as much to effect summary punishment as to produce confessions, and that for those suspected of holding unorthodox political opinions, torture was used as a last resort by the security services to extract information on clandestine political activities. Throughout 1989 the Committee and the Association of Families of the Victims of October pressed the Government to prosecute police and security force personnel involved in torture and for compensation for victims. The ALHR reported that the Government paid indemnities to some of the families of persons killed in the October riots.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that no one may be held, arrested, or prosecuted except as provided by law. It also provides that detention for questioning in criminal investigation cases cannot exceed 48 hours, after which the suspect must be charged or released. This period can be extended to 4 days.

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Detainees must be informed immediately of charges against them. Once charged, a person may be held under preventive detention indefinitely while his case is being investigated. There is no bail system. Lawyers are entitled to access to their clients at any time. Meetings are supervised visually by a guard.

In previous years, Amnesty International (AI) has noted its concern about cases of prolonged incommunicado detention, and leaders of the ALHR declared in 1987 that elimination of this abuse, as well as the practice of "administrative" or technical house arrest, was their first priority. The ALHR has not forcefully pursued this issue. An ALHR report on preventive detention, promised for 1989, has not been issued.

Exile is not a legal form of punishment in Algeria. A number of opposition figures live abroad, however, to escape arrest and trial, ostensibly on criminal charges. At least two well-known opposition figures, Socialist Forces Front leaders Hocine Ait Ahmed and Abdelhafid Yaha, returned to Algeria during 1989 with the express intention of participating in political life, with apparent government acquiescence.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

As part of its political reform program, the Government, by means of a vote in the National Popular Assembly (APN), abolished the State Security Court in April 1989. The State Security Court never sat in permanent session but had been called into existence periodically only to hear specific cases involving "national security."

The judicial system is divided into civil and military courts. There are no Islamic courts in Algeria. The new Constitution emphasizes the independence of the judiciary, and Justice Minister Benflis has been a strong proponent of efforts to bolster the judiciary's independence. Civil courts have always been generally, but not entirely, free of executive or military control; during 1989, judges reportedly became more determined in asserting their independence of outside, i.e., government influence. Judges are appointed by the Ministry of Justice. Military courts deal directly with espionage and offenses committed by military personnel.

Defendants in civil courts have unrestricted access to counsel; there is no harassment of defense counsel. The Algerian Bar Association has a pool of lawyers who provide free services to defendants who cannot afford counsel. As far as can be determined, criminal defendants are made fully aware of the charges against them at the time they are bound over for trial. Defendants have the right to confront witnesses and present evidence. Trials are public, although generally not publicized, and defendants have the right of appeal.

During the October 1988 riots, as many as 4,000 people were arrested on civil disturbance charges. Some of those detained were tortured or otherwise mistreated while in custody. Many were released soon after order was restored; the rest were released on provisional liberty November 1, 1988, including some who had been tried and convicted. There were no reports that any detainees, including those released provisionally, were rearrested or brought to trial in 1989.

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In its 1989 Report covering 1988, AI reported that over 180 political prisoners remained in jail. There was no evidence that there were political prisoners being held at the end of 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and it is generally respected, except in cases involving the security forces. Police may not enter a house without a warrant from the local prosecutor or investigating magistrate, and may not enter a residence during the night hours. The police and security services are believed to use telephone monitoring systems, reportedly without prior court authorization, as required by law.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Algeria made significant progress toward freedom of expression during 1989, although restrictions remain. Following the October 1988 riots, a number of citizens' associations emerged, many to protest the use of torture by the police and army during the unrest. The public meetings and outdoor rallies launched by these groups broke ground for the 30-odd political parties that became active in the period after January 1989. Although these groups were technically illegal at the time of their creation (before the revised Constitution and implementing legislation were approved), the Government did not seek to suppress them. For the first time since independence, Algerians were able to speak their minds relatively freely and publicly and were able openly to criticize the Government and national leaders.

The Algerian press tried in 1989 to redefine its role vis-a-vis the Government. Algeria's 1982 information code, which labeled journalists "agents of the State," was already under attack at the time of the October 1988 riots. In the aftermath of the disturbances, journalists demanded a new code that would stipulate their rights and duties, set out legal procedures by which the Government could call them to account for their views, and provide for protection from coercion into false reporting. An information code adopted by the National Popular Assembly in July without participation by professional journalists merely set out a series of punitive measures for articles that blasphemed Islam and other religions or were in some way contrary to the "national interest." President Bendjedid, who viewed the bill as too restrictive, sent it back to the Assembly for reconsideration, which was completed in November when the bill was finally rejected by the APN. At the end of the year the Government had not yet introduced alternative legislation. In September the newly appointed Prime Minister, Mouloud Hamrouche, announced that he would not name a Minister of Information, arguing that governmental control of the information sector at the cabinet level was inconsistent with the liberal spirit of the revised Constitution.

Although censorship had not been formally abolished at year's end, the print media enjoyed a far greater degree of editorial freedom than they had at any period since independence. Although the ruling FLN party continued to receive the lion's share of coverage, the viewpoints of other political parties

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appeared regularly. Individual Algerians, writing as columnists, often expressed opinions contrary to those of the Government. Criticism of government economic and social policies and management appeared relatively often in the established, government-controlled press, and was frequently seen in the publications of various political parties, the legal distribution of which began in September. Radio and television, which have always been under government control, also enjoyed a greater freedom, but to a lesser extent than the print media.

Some foreign publications are openly sold, although in limited numbers only because of the scarcity of foreign exchange. The French-language Paris weekly *Jeune Afrique* is proscribed, however, because it is seen as hostile to Algerian interests, and the French daily *Le Monde* is occasionally seized. The growing number of satellite dish antennas in Algeria provides a large and varied sector of the population with access to European television news and constitutes the greatest single outside source of information for Algerians. European and other North African radio broadcasts are easily received in Algeria.

b. Freedom of Peaceful Assembly and Association

The new Constitution provides for the rights to assembly and association without reservation. Implementing legislation adopted during the spring set out procedures for obtaining permits to hold public gatherings. As far as can be determined, the Government has routinely granted such permits. A political rally held in May, however, was broken up by the authorities on the grounds that the organizers had not received a permit. Prior to the first anniversary of the October riots, the Government announced that groups intending to hold public meetings in commemoration of the anniversary need not apply in advance for a permit but were required to supply the name of the organization sponsoring the meeting, its time and place, and number of expected participants. This policy was respected by the Government.

In early 1989, the National Committee Against Torture and the Association of Families of the Victims of October, neither of which had received formal government authorization to exist and hold meetings, were allowed to hold several rallies and meetings without interference. The Government did, however, ban a mock "torture trial" in December 1988 and prohibited an antitorture student demonstration in early 1989.

According to the July 1989 Political Associations Law, membership in political organizations is permitted for all Algerians except judges, army and security service personnel, and members of the Constitutional Council. All nongovernmental associations must be approved by the Interior Ministry. A 1987 amendment to an earlier law on civic associations, however, allowed some citizens' groups to begin operating without advance approval. ALHR set the precedent in 1987 as the first important association allowed to exist outside government or FLN control. Other associations, such as the Algerian Consumer Association and the Family Planning Association, followed shortly thereafter. Following the October 1988 riots, however, the number of citizens' groups proliferated, but many did not comply with the Ministry's approval procedure. These associations ranged in purpose from antitorture protest groups to professional associations intended as alternatives to the established, FLN-linked

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unions. Except for two instances in late December 1988 and early January 1989, when antitorture protests were banned, the Government did not interfere with the activities of these groups. In July the Interior Ministry approved the application of the Algerian League for the Defense of Human Rights (LADDH), a group which had existed illegally since 1985 under the leadership of reputed Berber nationalist Abdenour Ali Yahia. In a November announcement, the National Committee Against Torture asserted that the Interior Ministry's failure to consider its application for legal status within 3 months constituted a rejection of the application.

Mass organizations for youth, women, farmers, veterans, and workers and professional groups were in the past all tightly controlled by the FLN. At its sixth party congress in November 1988, the FLN decided to lessen its ties with these organizations, for example, by dropping the requirement that they be headed by FLN members. Although they were intended to play key political roles in mobilizing popular support for government programs, the mass organizations failed to do so. The organizations for youth and women became increasingly irrelevant, while the more narrowly focused farmers, veterans, and workers organizations had somewhat greater success in presenting the views of their constituencies to the government.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution declares Islam to be the state religion, but also prohibits discrimination based on "opinion or any other personal or social circumstance or condition." The Government protects the rights of the very small Christian and Jewish populations and includes leaders of these communities at ceremonial state functions. There is little evidence of individual prejudice. The Christian clergy focuses its activities on the foreign community since both society and government strongly discourage conversion from Islam. The Jewish population numbers less than 300; it maintains a synagogue in central Algiers. The Islamic clergy is government trained and the Ministry of Religious Affairs assigns imams to state-funded mosques. Privately funded mosques, however, can choose their own religious leaders. During the early months of 1989, certain mosques were used by leaders of Islamic fundamentalist political movements as operational headquarters. The Ministry of Religious Affairs subsequently issued an order prohibiting the use of places of worship for political purposes.

d. Freedom of Movement Within The Country, Foreign Travel, Emigration, and Repatriation

Freedom to travel within Algeria and abroad and to emigrate is provided for by law and generally is respected in practice. In order to leave the country, an exit visa is no longer required, but men who are 19 years of age or older must have proof of completion of mandatory military service, and employees of state organizations, who are paying back educational scholarships through work, also need authorization. Because of bureaucratic inefficiency, passports sometimes take months to acquire, although this situation is improving. The amount of hard currency which Algerians may obtain in Algeria to carry abroad (the

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equivalent of \$200 once every 4 years) had been the primary limitation on foreign travel. In late 1988, the Government suspended even that meager allowance as part of stringent economic austerity measures imposed to cope with a significant drop in export revenues. The allowance was not reinstated during 1989.

Foreign diplomats must apply for permission to travel farther than 50 kilometers from Algiers. The 50-kilometer limit for diplomats is not strictly enforced, however, and permission to travel farther is quickly granted upon application. Travel within Algeria for other visitors is generally unrestricted, except in areas designated as "military zones." Visitors must register with local police if they are staying overnight. Gendarmerie checkpoints in the countryside routinely inspect vehicle registrations and occasionally search vehicles.

The Constitution provides for the right of political asylum. It is estimated that more than 100,000 refugees from the Western Sahara live in camps in southwestern Algeria. They are largely supported by the Government and, to a much lesser extent, by the U.N. High Commissioner for Refugees (UNHCR). Algeria continues to provide refuge and support to drought victims from Niger and Mali located in four camps near Tamanrasset. In 1989 Algeria, Niger, and Mali reached an agreement on a gradual repatriation of these refugees, whose number in 1989 rose to an unprecedented 20,000, following the expulsion of Nigerien and Malian workers from Libya.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Algeria's one-party political system, in place from independence until February 1989, did not permit citizens to change their government. The FLN chose all candidates for public office and public debate was restricted to officially sanctioned forums and issues. The constitutional revisions and implementing legislation adopted in 1989, however, put in place the framework of a multiparty system which has the potential to allow citizens to change their government. However, by year's end, the new system remained untested, since elections were not held during 1989.

The key component of political reform in 1989 was the approval in February of a greatly revised Constitution that recognized the "right to create associations of a political character." The political associations law adopted in July was broadly interpreted by the Interior Ministry, which approved applications from political parties ranging from Communist (Socialist Vanguard Party) to Islamic fundamentalist (Islamic Salvation Front). In addition to the FLN, there were 14 legalized political parties in Algeria as of late 1989. A new electoral code, revised to accommodate multiparty elections, included some elements of proportional representation. Prime Minister Hamrouche announced in October, however, that the new electoral code favored the FLN and that his Government would seek to amend it to include a greater degree of proportional representation. Elections for local and provincial-level assemblies, originally scheduled for late 1989, were postponed until the first half of 1990, ostensibly to give new political parties more time to organize. National Assembly elections have yet to be scheduled. At year's end the FLN, which had been the only legal party from independence until 1989, held a distinct advantage in resources and organization over most of the newly legalized parties.

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At year's end, Algeria's basic political institutions remained the same, although their interrelationships had been altered by constitutional revisions. The President, charged with assuring national defense and conducting foreign policy, could appoint and dismiss the Prime Minister, whose selections for government ministers were subject to presidential approval. The Government presented its program to the National Popular Assembly for debate and approval. The Assembly could reject the program once, forcing the Government to resign; a second rejection would result in both the dismissal of the Government and the dissolution of the legislature.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Algerian Government normally does not readily discuss its human rights record with outside governmental or nongovernmental organizations. The Government is extremely sensitive to criticism, particularly, but not exclusively, to allegations of human rights violations which appear in the European press, and sometimes publishes its own pointed rejoinders to critical articles.

There are two legally established local human rights leagues; as of 1989, both had observer status at the International Federation for Human Rights in Paris. The Algerian League of Human Rights (ALHR) was established in 1987 and received the Interior Ministry's approval the same year. It represented Algeria in the Maghreb Human Rights Association, created in February 1989. In 1989 the ALHR had about 1,200 members and regional offices in 36 of the country's 48 provincial districts. In February a much smaller human rights league led by an Algiers attorney was subsumed into the ALHR. With several successes to its credit, notably its role in helping to promote the release of almost all political prisoners in 1988, the ALHR participated actively during 1989 in debates on constitutional reform, a new information code, torture, and the Islamic fundamentalist prisoners serving extended sentences for having participated in a 1985 uprising.

The second group, the Algerian League for the Defense of Human Rights (ALDHR) received the Interior Ministry's approval to operate in July 1989. Established in June 1985, the ALDHR had operated illegally for 4 years under the leadership of attorney Abdenour Ali Yahia, who was also known for his involvement in Berber nationalist causes. The ALDHR held its first open meeting in June 1989, at which it declared its right to champion human rights causes under the revised Constitution. At this meeting, however, former founding members who objected to Ali Yahia's leadership style split off from the ALDHR and claimed to have constituted their own league. At the end of 1989, this new organization had not yet received the Interior Ministry's approval.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The 1989 Constitution specifically prohibits discrimination based on birth, race, sex, opinion, or any other personal or social condition or circumstance. It omits, however, the specific guarantees for women's political, economic, social, and cultural rights that had been included in the 1976 version. It does not appear that minority groups are treated unfairly in access to jobs, housing, education, and health

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care. The Government's difficulties in meeting social needs in these areas are mostly caused by the country's extremely rapid population growth and significant drop in oil revenues, and minorities seem to fare no better or worse than the Arab majority.

Berber ethnic consciousness remains strong and is fueled primarily by the Berbers' desire to preserve their distinctive cultural identity and language in the face of the Government's emphasis on the development of Algeria's Arab identity. Berber spokesmen assert that the Government seeks to repress the distinct Berber culture, including the teaching and propagation of the Amazight (Berber) language. Although Amazight has never been taught in primary and secondary schools, until 1980 it was taught at Tizi Ouzou University. Following rioting in the region in 1980, the University's chair for Amazight studies was abolished and has not been reinstated. In 1989 two Berberist political parties, the Rally for Culture and Democracy and the Socialist Forces Front, both of which promote the preservation of Berber culture, were legalized by the Interior Ministry.

Women face significant discrimination in Algerian society, which has been subject to rising Islamic fundamentalist activism. Under Algeria's 1984 family code, inspired by Islamic law, women are perpetual minors who, regardless of their age or civil status, remain under the legal guardianship of a husband, father, or brother. The code also permits polygamy, makes it more difficult for a woman than a man to obtain a divorce, and awards only 4 months of alimony to the woman regardless of the husband's means and the circumstances of the divorce. Because Islamic law and the family code forbid Algerian Muslim women from marrying non-Muslims, Algerian women engaged to non-Muslim men sometimes are subjected to harassment, including passport confiscation, by authorities upon entering or leaving the country.

Culture and tradition relegate the Algerian woman to inferior status. Violence against women is known to occur, but little is known about its extent. Wife beating and sister beating are presumed to occur frequently; both are condoned as acceptable practices by local authorities, in particular, and society in general. Abuse within the family is seldom mentioned publicly because of the value attached to family honor in this conservative society, and the Government does not acknowledge the existence of a problem. Wives who are victims of wife beating may file criminal charges or sue for divorce, but the filing of such cases is believed to be rare.

In Algeria's Muslim context, and despite the country's postindependence rhetoric about female equality, some Algerian women find themselves pressured to wear Islamic dress (usually the hidjab--a headcovering with an ankle-length overdress) by husbands and fathers jealous of the family's reputation. Whether they are motivated by family pressure, personal piety, or a desire to avoid harassment on the street, the number of young women wearing Islamic dress in cities as well as in rural areas has risen dramatically over the last several years.

With the rise of Islamic fundamentalism in Algeria, many women regard themselves as increasingly under attack from proponents of Shari'a (Islamic) law and those who blame male unemployment on female participation in the workplace. A backlash against these attitudes found expression in a spirited march organized by women's groups to celebrate International Women's Day on

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March 8. Some 3,000 men and women demonstrated in front of the National Assembly to demand the abrogation of the 1984 family code. The demonstrators also voiced their opposition to the introduction of Shari'a law and demanded governmental assurances that constitutional guarantees against discrimination would be upheld. The then Prime Minister, Kasdi Merbah, and Assembly Speaker Bitat reportedly assured a delegation of demonstrators that both the letter and spirit of the Constitution would be strictly applied. Governmental assurances notwithstanding, in 1989 women's groups in Algeria still saw fundamentalist pressures and the 1984 family code as the greatest threats to women's rights.

It is estimated that about 500,000 Algerian women work outside the home, and an increasing number are trained and employed in the professions. Women serve in the armed forces. According to government statistics, girls represent 44 percent of all children enrolled in primary and secondary schools. According to 1985 statistics, (the latest available) 72 percent of all school-age girls were enrolled in 1985. Islamic fundamentalist efforts to end coeducational classes so far have been unsuccessful.

Section 6 Worker Rights

a. The Right of Association

From independence until 1989, workers and professionals did not have the right to form autonomous labor unions. In 1987 the International Labor Organization (ILO) Committee of Experts reported that the single trade union system in Algeria was reinforced by legislation and acted to deny workers the possibility of establishing and joining organizations of their own choosing. Since 1962, the right to organize and represent workers had been the prerogative of the general union of Algerian workers (UGTA), an FLN-linked mass organization. During 1989, however, at least two independent professional unions were established with tacit government approval. These were the Movement of Algerian Journalists (MJA) and the Union of Algerian Engineers. Also during 1989, doctors in both Algiers and Oran worked to create their own professional associations independent of the UGTA-linked union of Algerian Physicians.

Blue-collar workers did not succeed during 1989 in their efforts to establish independent labor unions despite challenges by factory level activists to the UGTA's authority. The July 1988 law that reinforced the UGTA's status as sole labor representative remained on the books, although it was generally accepted, even by the Government, that the law had been overtaken by post-October 1988 events. The Government tolerated an extended series of strikes without making reference to the 1988 law. The Government announced plans to submit a new draft law but had not done so by the end of the year. During 1989, in response to a more volatile labor environment, the UGTA loosened its ties to the FLN and pursued the activist role it had assumed in 1988. In particular, the UGTA sought to protect wages and job security as the effects of the Government's austerity program were increasingly felt.

The Constitution as revised in 1989 recognizes the right to strike but stipulates that it must be exercised within the framework of the law. Previous legislation prohibits strikes in the public sector, and the Government has not yet

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introduced legislation to supersede that law. Nevertheless, spontaneous, illegal strikes occurred frequently during 1989, as workers demanded higher wages and increased benefits or protested various management practices. Although the law prescribed prison sentences for illegal strikers, the Government apparently chose not to enforce that provision.

In 1989 the UGTA represented Algeria in the International Confederation of Arab Trade Unions and in the Maghreb Arab Union Regional Association.

b. The Right to Organize and Bargain Collectively

Pending the adoption of new legislation to implement constitutional revisions, the July 1988 labor law remains technically in effect. That law, like its predecessors, maintains the UGTA's status as the sole authorized workers' representative, while providing for full representation and unrestricted organizing under UGTA auspices, collective bargaining, access to the workplace, unrestricted issuance of union publications, and time off for official union activities. Antiunion discrimination is illegal and unions are granted the right to initiate collective and individual court cases on employer-related grievances. Labor laws are applied uniformly throughout the country, but enforcement is lax. There are no export processing zones in Algeria.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor.

d. Minimum Age for Employment of Children

The minimum employment age is 18 years. The minimum age is enforced in the state sector, the country's largest employment sector. It is unregulated in the small private sector, but violations are not widespread. With continuing economic hardship, however, there was an increase in the number of children occupied in informal employment, such as in street vending.

e. Acceptable Conditions of Work

Algeria has a 44-hour workweek and strict occupational and health regulations, but enforcement is generally lax. The legal minimum wage is very low--\$190 per month at the official exchange rate--and not adequate to provide a worker and his family with a decent standard of living. It was not known whether the minimum wage was enforced in the informal sector.

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The extended family of the Al Khalifa has ruled Bahrain since the late 18th century and dominates its society and government. The Constitution confirms the Amir as hereditary ruler. The current Amir, Shaikh Isa bin Sulman Al Khalifa, governs Bahrain with the assistance of his brother, the Prime Minister; his son, the Crown Prince; and an appointed Cabinet of Ministers. The Government has suspended some provisions of Bahrain's 1973 Constitution, including those articles relating to the National Assembly which the Government disbanded in 1975. There are few judicial checks on the Amir and his Government.

Bahrain is one of the more heterogeneous societies in the Gulf, where social ties and interpersonal associations are formed in a complex web of family, tribal, economic, and religious affiliations. Bahrain is divided between the Shi'a and Sunni sects of Islam, with the Shi'a comprising over two-thirds of the indigenous population. There are important sectarian divisions among the Shi'a. Despite their numerical disadvantage, the Sunnis predominate because the ruling family, supported by powerful merchant families, is Sunni. Two clandestine fundamentalist political groups with links to Iran, drawing support from some Shi'a, and two underground, secular, leftist groups advocate violent political change. Recently, there has been a splintering of the latter, accompanied by an increase in fundamentalist rhetoric from those groups supported by Iran, the main source of anti-Bahrain subversion and terrorist actions.

The Ministry of Interior is responsible for public security. Under its auspices the police force and the Security and Intelligence Service (SIS), with approximately 8,000 to 10,000 employees combined, are responsible for maintaining internal order and preventing sectarian violence and terrorist actions.

Bahrain's leaders seek to foster the open social and commercial environment needed to attract international business, while protecting the ruling family's preeminence, preventing sectarian violence, and thwarting externally inspired subversion. Faced with limited oil resources, Bahrain has diversified its financial base, attracting companies doing business in financial services, petrochemicals, and light manufacturing. Bahrain has used its oil revenues to build an advanced infrastructure in transportation and telecommunications, and has become a leading regional financial center. The economy benefited from the region's economic boom in the 1970's and early 1980's, but suffered from the decline in oil prices beginning in 1986.

The human rights situation in Bahrain was basically unchanged in 1989, and civil liberties remain greatly restricted. Major human rights concerns include arbitrary detention and alleged abuse of detainees held on security grounds, lack of fair trials in security cases, and restrictions on freedom of speech and press, assembly and association, women's rights, and the right of citizens to change their government. Expatriate workers from developing countries tolerate limited trade union rights for fear of loss of employment and deportation.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known political or other extrajudicial killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law, and there is no evidence of a policy of systematic physical mistreatment of criminal offenders. There were several unconfirmed reports in 1989 charging mistreatment and torture at the hands of the SIS. There are no reliable reports about what happens during detention in security prisons (where questioning may continue after sentencing) since visits by nongovernment persons are generally prohibited. In its 1989 Report, covering 1988, Amnesty International (AI) noted that it had received new allegations of physical and psychological torture and ill-treatment of detainees, apparently to obtain confessions. It said that, in a number of cases, detainees were reportedly made to stand upright for many hours, were deprived of sleep for long periods, beaten or suspended, and threatened while detained incommunicado and in lengthy solitary confinement.

d. Arbitrary Arrest, Detention, or Exile

Political activity is strictly controlled by the security forces, and persons are sometimes detained and arrested arbitrarily on suspicion of antiregime activity. Activities that could lead, under provisions of the security law, to detention, questioning, warnings, or arrest include membership in subversive, illegal organizations; painting antiregime slogans on walls; joining antigovernment demonstrations; possessing or circulating antiregime writings; preaching sermons with an extreme fundamentalist or a radical political tone; or harboring or associating with persons committing such acts.

According to the State Security Act of 1974, persons may be detained for a period not to exceed 3 years. Detained persons have the right to appeal after a period of 3 months, and, if the appeal is denied, every 6 months thereafter from the date of the original detention. According to AI, some Shi'a were detained briefly before Shi'a religious occasions; others reportedly were detained after 'Ashoura (a Shi'a commemoration of the martyrdom of Husayn) or other religious gatherings at which antigovernment or anti-American political statements were made. In the past, detainees have sometimes been held incommunicado for lengthy periods, although family members can usually find out where the detainee is being held. Confessions following such detention are common. Persons imprisoned for political offenses are sometimes released on the condition that they immediately go into exile.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

A person arrested may be tried in either an ordinary criminal court or the Security Court. Civil trials provide procedural guarantees including open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Security cases, however, are tried directly by the Supreme Court of Appeal, sitting as the Security Court. Such trials are held in secret, there is no right to judicial review of the legality of arrests, and the court is exempted from adhering to the procedural guarantees of the penal code. All records pertaining to trials by the Security Court are regarded as state secrets. Sentences imposed by the Security Court can, at the discretion of the Court, be referred to the Amir for clemency.

The Bahrain Defense Force (BDF) maintains a separate court system for military personnel accused of offenses under the military code. These courts do not review cases involving civilian criminal or security offenses.

Some estimates indicate that fewer than 50 persons are now being held for political reasons. In its 1989 Report, AI estimated the number of political prisoners at well over 100. Among them were 14 alleged supporters of the banned Bahrain National Liberation Front and 18 alleged supporters of the Islamic Enlightenment Society.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Interior Ministry can authorize entry into private premises without judicial authorization. Telephone calls and correspondence are subject to monitoring by the SIS. Police informer networks exist.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right "to express and propagate opinions," but in practice Bahrainis cannot freely challenge the legitimacy of the regime in speech or writing. Political meetings are not permitted; gatherings which might take on a political tone are monitored through informers. Criticism of government policies and programs in such areas as municipal services, unemployment, and education is tolerated and commonly seen in the press.

The Information Ministry exercises wide powers over the local media, and the press generally follows official policy closely. In the past, minor deviations have brought closure of the offending newspapers. In 1989 an Arabic-language daily was closed for 3 days for printing articles found to be insulting to Islam; the paper reported the lurid details of a divorce case, which the Minister of Justice had denied occurred. Bahrain is generally open to international media, but the Government does not condone unfavorable coverage of its domestic affairs; it is not uncommon for the Government to revoke the press credentials of foreign journalists. Since the Ministry of Information also sponsors the journalists' residency permits, such actions are tantamount to deportation.

The State owns all radio and television stations and blocks, as do all its Gulf neighbors, Iranian television broadcasts.

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Only senior government officials may own and use satellite dishes. All newspapers are privately owned and exercise self-censorship in reporting on antiregime activities and in criticizing the Government. Former Information Ministry officials serve as editors of the two Arabic daily papers, which are regarded as semiofficial.

b. Freedom of Peaceful Assembly and Association

Although the Constitution affirms the right of free assembly, public political demonstrations or meetings are prohibited. Professional organizations are permitted. The large number of social and sports clubs have traditionally served as forums for discreet political discussion. The Government monitors the activities of these organizations, which are generally small and limited in scope. Groups seeking to hold meetings in public places must obtain permits. Permits for religious ceremonies, including those of the Shi'a, are routinely granted.

For a discussion of freedom of association as it applies to trade unions, see Section 6.a.

c. Freedom of Religion

The population is overwhelmingly Muslim, and Islam is the state religion. Christians and other non-Muslims, including Jews, Hindus, and Baha'is, enjoy considerable freedom to practice their religion. Some maintain places of worship, but some small groups practice in their homes. Religious tracts of all Islamic sects and publications of other religions are readily available in bookstores.

Proselytizing is not encouraged, and anti-Islamic writings are prohibited. Both Sunni and Shi'a sects are subject to government control and monitoring, but there is no interference with routine worship or religious activities. Public religious events, most notably commemorative marches by the Shi'a, are permitted but are closely watched by the police. There appear to be no restrictions on the number of Bahrainis permitted to make pilgrimages to Shi'a shrines and holy sites in Iraq. However, religious study in and pilgrimages to Iran are strongly discouraged. Conversions from Islam to another religion are tolerated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bahrainis are free to move within the country and change their place of residence or work. Passports can be denied on political grounds. Bahrainis living abroad who are suspected of political offenses may face imprisonment without public trial upon return to Bahrain. Refugees are not repatriated to countries they have fled, but are obliged to depart Bahrain immediately. There are some Iranian emigres who have fled Iran since 1979 and have permission to remain in Bahrain, but they have not been granted citizenship. Travel to Iran, especially by Shi'a, is discouraged by the Government.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right or ability peacefully to change their government or their political system. With the abolition of the National Assembly, there are no formal

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democratic institutions, and neither political parties nor opposition organizations are permitted. Bahrain is ruled by the Al Khalifa family, headed by the Amir. All government positions are appointive. About one-third of the cabinet ministers are Shi'a, although they do not hold key portfolios. The average Bahraini can attempt to influence government decisions only through the submission of written petitions and informal contact with senior officials, including appeals to the Amir at his regular public audiences.

Four clandestine political groups agitate for change in Bahrain. The Islamic Front for the Liberation of Bahrain, the group responsible for the 1981 coup attempt, is almost exclusively militant Shi'a in its makeup. It calls for violent revolution. The Islamic Call Party advocates a relatively moderate form of populist Islam and demands reforms in the social and economic structure of Bahrain. Both have ties to Iran, call for the establishment of an Islamic Republic, and attract some support from the younger, disaffected Shi'a. Public displays of their activism have decreased. Two underground, secular leftist groups, the Popular Front for the Liberation of Bahrain and the pro-Soviet National Front for the Liberation of Bahrain, have ties with radical Arab regimes and Arab nationalist organizations. Their influence in Bahrain appears to have decreased in recent years.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No internal human rights organizations exist. No nongovernmental investigations occurred in 1989. AI notes in its 1989 report that it proposed in 1988 a follow-up visit to one it conducted in 1987 and that it provided recommendations for improvements in human rights practices. The Government did not respond.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Although there are notable exceptions, Sunni Muslims enjoy a more favored status in Bahrain than the Shi'a, who form approximately two-thirds of the population. Sunnis receive preference for employment in sensitive positions, including in the Bahraini Defense Force and the managerial ranks of the public sector. Statistics are unavailable, but Shi'a tend to be employed in lower paid, lesser skilled jobs. Social and municipal services in most Shi'a neighborhoods, particularly in rural villages, are markedly inferior to those found in Sunni urban communities. The Government has tried to remedy social discrimination, improve living conditions for the Shi'a, and encourage sectarian integration through the development of government-subsidized housing complexes, open to all Bahrainis on the basis of financial need.

Legal rights of concern to women are subject to Islamic law. Specific rights vary according to Shi'a or Sunni precedent, as determined by the person's faith. Bahraini women have the freedom to wear the clothing of their choice (a large percentage wear Western dress outside the home), to work outside the home, to drive a car without escorts, and to travel outside the country.

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Islamic law (Shari'a) governs the legal rights of Bahraini women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the person's faith or the court in which various contracts have been made--as in the case of marriage. In distinction to Sunni women, Shi'a women do have the right to initiate a divorce and are, theoretically, equal to men in all other respects. Women of either sect may own and inherit property. Women may represent their own interests in all public and legal matters. According to Islamic tradition, a woman generally loses custody of her children after they reach the age of 7, but, in the case of proven incompetence on the husband's part, this is not applied. According to national custom, a non-Bahraini woman automatically loses custody of her children if she is married to, and divorces, a Bahraini man. Women can obtain passports without permission of a male head of the household and can exit the country without permission.

With the development of the Bahrain economy, women have increasingly taken jobs previously reserved for men. Women now constitute about 18 percent of the Bahraini work force. The Government has encouraged the hiring of women, has enacted special laws to promote female entry into the work force, and is itself a leading employer of women. Generally, women work outside the home during the years between secondary school or university and marriage. Women make up the majority of students at Bahrain's universities.

The status of women is a continuing subject of debate. There are women's organizations which have as a goal the betterment of the status of women under both civil and Islamic law. These organizations are supported by the Government.

There is little information available regarding violence against Bahraini women. More evidence exists regarding violence against expatriate women working in Bahrain as domestics. Cases of domestics beaten badly enough to require hospitalization have been reported to the police and in the newspapers. Although many victims of employer violence may fear dismissal and deportation, cases of successful complaints by employees abused by their sponsor are on record.

Section 6 Worker Rights

a. The Right of Association

Although the Constitution recognizes the right of workers to organize, there are no trade unions, primarily because the Government actively discourages them. Strikes are not permitted. In response to labor unrest in the mid-1950's and in 1965 and 1974, the Government encouraged--and now closely controls--the formation of elected workers' committees in major companies. Since 1982, when the Government granted permission to form the first Joint Labor Management Consultative Committee (JCC), 12 JCC's have been established in the major industries. The JCC's represent close to 70 percent of the island's labor force. Nonindustrial expatriate workers, about 60 percent of the work force, are denied even these limited "rights." Bahrain has been a member of the International Labor Organization (ILO) since 1977 but has ratified neither ILO Convention 87 on Freedom of Association nor Convention 98 on Collective Bargaining.

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b. The Right to Organize and Bargain Collectively

There are no collective bargaining units or contracts. As noted above, in 12 key industries employing significant numbers of Bahrainis, the Government has sanctioned the formation of Joint Consultative Committees comprised of representatives from management and employees. These JCC's are empowered to resolve labor disputes, organize workers' services, and discuss wages, working conditions, and raising productivity. But the workers have no independent, recognized vehicle for addressing these or other labor-related issues. Labor law and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits the use of forced or compulsory labor. The press, however, regularly reports instances where private-sector employers compel expatriate workers from developing nations to perform work not specified in their contracts. Once a complaint has been lodged by a worker with a grievance, the Labor Ministry opens an investigation and often takes appropriate action.

d. Minimum Age for Employment of Children

The minimum age for employment is 14 years. Juveniles between the ages of 14 and 16 receive special protection under the labor laws. They may not be employed in hazardous conditions or at night and may not work over 6 hours per day or on a piecework basis. Child labor laws are enforced.

e. Acceptable Conditions of Work

Bahrain's labor law, enforced by the Ministry of Labor and Social Affairs, provides for acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week), and occupational safety and health. Minimum wage scales, which exist for both private and public sector employees, generally afford a decent standard of living for a worker and his family.

In practice, however, expatriate workers are seriously disadvantaged by the requirement that all foreigners must be sponsored by Bahrainis or Bahrain-based institutions and companies in order to work. Under this system, sponsors can cancel the residence permit of any person under their sponsorship and thereby blacklist individuals so that they cannot obtain entry or residence visas from another sponsor. Such power contains the potential for exploitation since foreign workers are often unwilling to report abuses of their rights for fear of forced repatriation. Instances of expatriate workers being denied their guaranteed holidays, days off, and vacations without compensation, have been reported by the English-language daily, which serves as an unofficial ombudsman for expatriate workers. In 1989 some expatriate housemaids charged their employers with sexual harassment.

The Government has initiated a plan to replace 20,000 expatriate workers in the private sector. The official unemployment rate in 1987 was 3.2 percent; however, a Ministry of Labor official announced in May 1989 that the indigenous unemployment rate was about 10 percent.

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Bahrain's labor law does not recognize the concept of equal pay for equal work. Asian workers are paid lower wages than their Bahraini counterparts. Westerners and Bahraini workers are paid comparable wages; women are generally paid less than men. However, women are entitled to 60 days of paid maternity leave and nursing periods during the day.

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The Bangladesh Constitution provides for a presidential form of government and a unicameral Parliament of 300 members. The President appoints the ministers, 20 percent of whom do not have to be members of Parliament. The Prime Minister, also appointed by the President, serves more as the leader of the parliamentary majority than as leader of the Government. H.M. Ershad, then the Army Chief of Staff, took power in 1982 in a bloodless coup and, after retiring from the military, was elected President in 1986 in elections boycotted by the major opposition parties.

The present Parliament, composed of 252 members from the President's Jatiyo Party and 48 members from smaller parties, was formed in elections held in March 1988 which were marred by the absence of major opposition parties, sporadic violence, low voter turnout, and fraudulent vote counts. Parliament held two sessions in 1989 and passed limited autonomy legislation for the three Chittagong Hill Tracts (CHT) districts and a Ninth Constitutional Amendment which provides for an elected Vice President and limits both the President's and Vice President's tenure to two consecutive 5-year terms. In view of continued questioning of the current Parliament's representative character, the Government has offered to hold midterm parliamentary elections, but the major opposition parties have refused to participate because they do not believe there can be free and fair elections under President Ershad.

The police and paramilitary forces, all of which are controlled by the Home Affairs Ministry, bear primary responsibility for maintaining internal security. Paramilitary forces include the Bangladesh Rifles (BDR), which guards the borders, the Bangladesh Ansars (a home guard which assists the police in maintaining law and order), and the Village Defense Parties (VDP), a uniformed but normally unarmed local militia. The army plays an internal security role in the CHT, where attacks by tribal insurgents against security forces, Bengali settlers, and other tribals continued in 1989. Tribals have accused security forces of participating in or instigating attacks by settlers. Despite these accusations, there were no confirmed reports in 1989 of retaliation by army troops in the area.

Bangladesh is one of the world's poorest and most densely populated countries. The Government's key programs aim at economic development through reduced population growth, increased crop yields, decentralization of administration, and development of the private sector. The economy recovered somewhat from the devastating floods of 1988, and below-normal rainfall prevented serious flooding in 1989.

Overall, there were no major changes in the human rights situation in 1989. The internally divided opposition's inability to remount its campaign to oust the present Government brought a year of relative political stability, with fewer reported instances of human rights abuses than in 1988. Municipal elections conducted during the year were relatively peaceful, as were local government council elections in June in the three CHT districts. However, a parliamentary by-election in September was marred by allegations of voting irregularities. Significant restrictions remained on the ability of citizens to change their government, freedom of the press, and a variety of

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women's rights, and there remained concerns regarding abuse of prisoners and detainees and arbitrary detentions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

While January elections in 80 of Bangladesh's 86 municipalities were relatively peaceful, sporadic violence resulted in at least 6 deaths and over 500 injuries, including injuries to a number of law enforcement officials. Police fired above the heads of crowds to disperse them, but apparently no fatalities were inflicted by law enforcement authorities. There was also violence on university campuses throughout the year as student wings of various political parties clashed repeatedly. These encounters often caused injuries and sometimes resulted in deaths.

For a discussion of killings related to the CHT insurgency, see Section 1.g.

b. Disappearance

There were no confirmed reports of disappearance resulting from official actions in 1989. As in the past, however, armed tribal insurgents in the CHT kidnaped a number of persons in raids on Bengali villages.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel, inhuman, or degrading punishment or treatment. Despite several allegations, there were no confirmed reports of such incidents in the CHT in 1989, but Amnesty International (AI) and local human rights groups continue to monitor this area and to encourage the Government to safeguard the rights of tribal people. In response to previous requests, the Government submitted a report to AI on several alleged instances of torture in the Hill Tracts dating from 1986.

Police treatment of accused criminals is usually rough and can include abusive interrogations and beatings. Reports of fatalities from such treatment are relatively rare; however, local human rights groups have begun increasingly to investigate individual cases and confirmed five such deaths in 1989. The Government has not interfered in such investigations. In its 1989 Report, covering 1988, AI noted that it had renewed reports of torture of criminal suspects in police custody, several of whom were alleged to have died as a result. Mistreatment of ordinary citizens frequently goes unpunished, but police and jail officials involved in mistreating prisoners are sometimes disciplined in cases where the victim or his family and friends can attract publicity or persuade human rights groups to investigate the allegations.

There are also occasional reports of abusive treatment of citizens by a variety of lower level government officials, party bosses, and labor leaders--who intimidate others through violence or threats of violence.

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d. Arbitrary Arrest, Detention, or Exile

Under the Special Powers Act of 1974 (SPA), the Government can detain an individual without charge for an initial period of 30 days to prevent the commission of "any prejudicial act" as defined in the legislation. The Government is obligated to charge the detainee formally by the end of this period or release him if it fails to file a charge. The individual can legally be held until completion of an investigation if the Government brings a charge. In practice, though not in the law, the detainee has 15 days to respond to the specific charge in writing to the Home Affairs Ministry, which can grant early release. Detentions under the SPA are not subject to judicial review until after 6 months, at which time a committee of three jurists examines the case to ascertain whether there is sufficient reason to continue the detention. Although the detainee is theoretically entitled to see a lawyer at the time he is detained, in practice a lawyer is generally not allowed to see the detainee until a specific charge has been filed.

Forty alleged activists in a Hindu separatist movement were detained under the SPA in the early part of 1989. Twenty-six remain incarcerated. Human rights activists fear that the SPA is increasingly used against political opponents in rural areas and to detain indefinitely suspected criminals against whom the Government has insufficient evidence for a formal charge. Human rights activists and some press accounts note that the Government often issues new detention orders against individuals as soon as the original detention has expired or been vacated by the courts.

The Government put the number of SPA detainees at 2,157 as of April 30, although human rights groups believe the actual figure is higher. Persons detained under the SPA are often subsequently charged under criminal statutes.

The right of a detainee to a judicial determination of the legality of his detention exists in local law. Bangladeshi legal and human rights organizations, however, continued to report cases of suspects who were arrested on minor charges but who remained in jail for long periods without trial. There were no reports of persons being exiled in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Supreme Court is generally considered independent, although pressure is sometimes brought to bear in political or security cases. Civilian courts hear civil and criminal cases in public trials, and the right of counsel is respected. Though generally considered fair, civil courts are overburdened and effectively available only to those who can afford representation. In addition, the time-consuming and expensive process of pursuing cases discourages many from seeking redress through the courts. There are few legal aid programs to assist litigants and no public defenders. Although the legal time limit for disposal of criminal cases is 240 days at the district level and 120 days at the magistrate level, a shortage of judges and a backlog of over 500,000 criminal and civil cases makes longer delays a common occurrence. The continuation of a 1-day-a-week boycott of the Supreme Court by barristers who oppose several court-related government decisions hampered the timely dispensation of

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justice even further. A relatively small number of the cases in the backlog involves detainees.

A Bangladeshi nonprofit human rights group, with funding from The Asia Foundation (TAF), has established a training program for new lawyers. A TAF training program for judges has to date trained 255 assistant judges and 45 midlevel judges, and TAF continues to support the legal outreach program of a local human rights group.

The Government claims to hold no political prisoners. Bangladesh human rights groups assert, however, that some persons detained under the SPA are actually political prisoners. Currently such groups do not maintain statistics on the number of political prisoners in the country, and estimates vary considerably.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh law requires a judicial warrant before authorities enter a home, and courts require evidence supporting a reasonable suspicion before issuing a warrant. However, the SPA permits authorities to search premises without a warrant under certain circumstances, and authorities have in the past entered the homes of opposition leaders, detained individuals, and searched their premises without warrants. The Government's civilian and military intelligence services are widely believed to monitor the opposition by such means as selective wiretaps and interception of mail.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Despite government efforts to address tribal grievances in 1989 through limited autonomy legislation for the CHT, the longstanding Shanti Bahini (Peace Force) insurgent movement remained active. This insurgency began in the early 1970's and has been sustained by the tribal people's fears that their traditional way of life and special status in the hill areas are being undermined by settlers from the overpopulated plains. During the past 4 years, government policy has discouraged settlement in the Hill Tracts. Some 300,000 ethnic Bengalis remain in the 3 hill districts along with approximately 500,000 tribals.

Due to restricted access to the Hill Tracts, the veracity of accusations of atrocities committed by the tribals or security forces cannot be confirmed. Shanti Bahini attacks on Bengali settlements, military personnel, and tribals, many of which resulted in deaths and destruction of property, continued in 1989 and escalated in late July following the June CHT local government council elections. Precise figures are not available, but the Government estimates that these attacks killed at least 300 persons by mid-September and drove more than 1,500 tribals to refugee camps in neighboring India. Others put the number of new refugees at a much higher level. A number of tribals alleged to be Shanti Bahini insurgents also died in clashes in 1989 with military personnel. In addition, between 16 and 36 tribals were killed and approximately 500 were injured in May when the alleged Shanti Bahini assassination of a county council chairman provoked reprisals by settlers against tribals. Although some sources charge that government security forces instigated the reprisals, or at least were slow to restore order, there is no

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evidence of military complicity in the Bengali settlers' attacks on the tribals. In 1989 there was no confirmed evidence that the security forces disobeyed strict government orders to avoid reprisals against the tribal people and to prevent others from such retaliations. Complaints of human rights violations in the Hill Tracts continued to be far fewer than those received as recently as 1987, and despite Shanti Bahini threats to kill candidates and voters, June elections to fill seats on the newly created CHT district councils were for the most part peaceful. The Government offered amnesty to Shanti Bahini insurgents on two occasions in 1989.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression and freedom of the press, subject to "reasonable restrictions" in the interest of national security, international relations, and public order, decency, and morality. In practice, the Government has a variety of means to attempt to control the press, including formal and informal censorship, "guidance" from the Press Information Department, temporary closures of newspapers, and arrest or intimidation of journalists. The SPA allows the Government to ban domestic publications, to hold any newspaper employee responsible for the paper's content, and to compel journalists to reveal news sources. Most publications are heavily dependent upon advertisements from the Government or government-owned corporations; these advertisements reportedly account for as much as 75 percent of advertising revenues. Although all newspapers are theoretically eligible to receive public sector advertising if they meet minimum circulation requirements, publishers complain that the placing and withholding of advertising, as well as payment for it, are often used as a means of influencing the press.

In 1989 several Bengali-language weeklies--which tend to be censored more heavily than dailies--were banned for "objectionable" statements or commentary. A number of other publications banned between 1984 and 1988 remained closed in 1989. Bans on these newspapers have been in effect for varying lengths of time, with some appearing to be permanent.

The Government owns and operates all radio and television facilities. In the print media, it owns two Dhaka newspapers, including one English-language daily and one Rajshahi daily. The Government also owns BSS, the national news service. Two wire services, Eastern News Agency and the United News of Bangladesh, are privately owned.

Bangladesh has 74 dailies and 290 weeklies and periodicals. Three of the Dhaka English-language dailies and most Bengali-language periodicals and newspapers are privately owned and reflect the views of various political parties. All major newspapers report on both government and opposition activities, although coverage of the opposition is less extensive in the government-owned publications. Articles and editorials critical of the Government appear, but criticism of President Ershad, his family, or the armed forces is not tolerated. The weekly Robbar, banned in June 1988 for printing commentary critical of the President, remained closed in 1989, and hearings on a legal challenge filed by Robbar's publisher were repeatedly postponed.

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Three journalists were detained in 1989. The editor of the Bengali-language daily Shakti was arrested in June for publishing an "objectionable report." He was released on bail the following day. The chairman of Purabi and the editor of Runner, two Jessore dailies, were arrested and held for 3 days in September for publishing a "defamatory report" on the State Minister for Religious Affairs.

Opposition political parties also exert pressure on newspapers and magazines hostile to them in efforts to intimidate them. Tactics include anonymous threatening telephone calls and threats of arson.

Although 56 foreign publications (18 dailies and 38 periodicals) are generally available in Bangladesh, the Government has sometimes used the Customs Act of 1969 to prevent the importation of foreign publications critical of President Ershad. The Government invoked the Act in 1989 to ban one issue of the London-based weekly Natun Din for printing an "undesirable" article. The Government also banned the book "The Satanic Verses" and issues of foreign publications dealing with the controversy for a few weeks. No foreign journalists were arrested, barred from entry, or expelled in 1989. In June, foreign journalists were invited to cover the CHT district council elections under government escort.

The Government retains the authority to require drama groups to obtain certificates of approval to perform. No drama group in Dhaka bothers to apply for such authorization in practice, but the law is enforced outside the capital. Drama groups are required to submit scripts to the district commissioner, and actors who perform in unauthorized plays are theoretically subject to arrest.

The Government censors films primarily to ban pornography. All films from South Africa and Israel are prohibited.

Students are generally free to express a wide range of political opinion through campus organizations and publications, and opposition parties sometimes use student fronts to organize antigovernment demonstrations.

b. Freedom of Peaceful Assembly and Association

The Constitution assures every citizen the right to form associations, subject to "reasonable restrictions" in the interest of morality or public order. In practice, individuals are free to join private organizations and associations, and permits are usually not required for public meetings. There are no restrictions on affiliation with international organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Bangladesh, 87 percent of whose people are Muslims, has recognized Islam as its state religion since the passage in June 1988 of the Eighth Constitutional Amendment. This amendment also states that all other religions may be freely practiced. Although conversion is possible, there is strong social resistance to conversion from Islam. Members of religious minorities have also reported being questioned by

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the security service about conversion activity. Proselytizing by Bangladeshi citizens, which is permitted by the Constitution, is mostly directed toward such minority groups as Hindus and tribal people.

Government policy continues to permit various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with coreligionists abroad. Missionaries, including foreign clergy who serve expatriate congregations, are permitted but they may not proselytize Muslims. Some missionaries perceive the various bureaucratic obstacles they face, including lengthy delays in obtaining or renewing security clearances and residence visas, as intended to curb Christian influence by reducing the number of missionaries and limiting their humanitarian activities. Appeals to the Government have sometimes been successful in removing such obstacles.

Despite official assurances of freedom of religion and equality of treatment, the establishment of Islam as the state religion continued to cause concern in 1989 among the Hindu, Christian, and Buddhist minorities. Some minority group members complain that this constitutional change has emboldened Muslim fanatics and criminal elements hostile to the minorities. As in 1988, there were reports of harassment, robbery, vandalism, and encroachment on property owned by non-Muslims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladeshi citizens are free to move about within the country, except in designated areas of the CHT. Travel by foreigners is also restricted in the CHT and some other border areas. Bangladeshis are generally free to visit and emigrate abroad, subject to foreign exchange controls, but civil servants wishing to travel abroad must obtain permission from the Government. In some instances, persons considered to be security risks are barred from traveling abroad. One former minister was barred twice from leaving the country. Though the Government rarely hinders citizens wishing to return from abroad, in 1989 a Bangladeshi student was detained upon arrival in Dhaka from London, reportedly on the grounds that he had engaged in "anti-Bangladeshi activities." The right of repatriation is observed.

Approximately 250,000 non-Bengali Muslims, known as Biharis or "stranded Pakistanis," remain in Bangladesh pending resettlement in Pakistan. After independence in 1971, these persons opted for Pakistani citizenship and Pakistan agreed to accept them, provided financing for resettlement costs was made available from outside sources. A Saudi Arabia-based social organization has been trying for several years to raise money for this purpose and claims that sufficient funds could be found if permission was granted for the Biharis to resettle. The main obstacle to resettlement is communal tensions and recurrent violence between Biharis already in Pakistan and other ethnic groups, which makes the addition of 250,000 more Biharis a politically difficult issue for the Government of Pakistan at this time. Anti-Bihari demonstrations in Pakistan delayed indefinitely a modest repatriation effort by the United Nations High Commissioner for Refugees (UNHCR) planned for January. This contributed to increased frustration in the Bihari community and prompted a

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hunger strike and other demonstrations during the summer months.

The Biharis, most of whom still reside in 66 camps throughout Bangladesh, may seek employment and conduct other activities, but they face disadvantages as noncitizens. Biharis may apply for Bangladeshi citizenship at any time, and those who do so are granted full rights of citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The governing party's dominance of the electoral process and the fraud and violence which have characterized national elections in recent years raise serious doubts about the ability of Bangladeshi citizens to change their government peacefully and democratically. In addition, the political polarization between the Government and the opposition and internal divisions within the opposition continued to prevent agreement on the holding of parliamentary elections.

After assuming power in a bloodless military coup in 1982, Bangladesh's current leader, H.M. Ershad, assumed the presidency in December 1983. He was elected to the presidency in an election in 1986 which the major opposition groupings, including the Awami League/Eight Party Alliance, the Bangladesh Nationalist Party, and the Islamic fundamentalist Jamaat-E-Islami, boycotted.

Bangladesh's present Parliament was elected in March 1988 elections that were marred by a boycott by major opposition parties, sporadic violence, low voter turnout, and voting fraud. The Parliament passed most legislation by wide margins and with little debate.

The Constitution does not require new parliamentary elections before 1993. The Government has publicly stated its willingness to hold midterm parliamentary elections, but the major opposition parties have thus far refused to participate as long as President Ershad remains in power. The Government has met with human rights activists to discuss ways to hold free and fair elections; however, human rights observers, while welcoming such meetings as a positive step, remain doubtful of the Government's sincerity about ensuring the holding of such elections. In September the Government began updating its 1983 electoral rolls.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to international opinion regarding human rights issues. Although there were no visits to Bangladesh in 1989 by AI or similar groups, the Government made efforts to respond to outside inquiries by submitting reports to AI on its investigation into several allegations of mistreatment dating from 1986. The Government also shared with AI its findings on the settler reprisals which took place in Langdu in the CHT in May (described in Section 1.g.). In addition, the Government invited and provided facilities for members of the diplomatic community and foreign press who observed the CHT local government council elections in June. International human rights organizations represented in Bangladesh include the International League for Human Rights, The Law Association for Asia and the Western Pacific, and The

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International Commission of Jurists. There are also a number of local human rights organizations which monitor developments through their rural branches, investigate allegations of abuse, and seek to prosecute human rights violators. Human rights groups are also active in promoting awareness of human rights and the law among the country's largely uneducated rural majority. The Government generally does not hamper these groups' activities.

Bangladesh is an active member of the U.N. Commission on Human Rights. In August the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities dropped all cases against Bangladesh regarding alleged human rights abuses in the CHT and decided unanimously to "thank the Government of Bangladesh for its cooperation and express its satisfaction with the progress made in respect to the treatment of its tribal population."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By custom and Islamic tradition, women occupy a subordinate place in society and a family's ability to seclude its women is a symbol of middle or high social status. These underlying attitudes and social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of Bangladeshi women who live in rural areas, early marriage, high childbearing rates, and long hours of household and farm labor leave little opportunity for nonfamily interests or outside employment. Even in urban areas and among the affluent, the traditional social system makes women economically dependent upon their husbands and other male relatives. Except in the export-oriented garment industry, women are virtually absent from the cash-earning work force.

The daily press testifies to a pattern of domestic violence against women: murder, rape and other physical abuse, breach of matrimonial contract, denial of inheritance rights, and desertion. The suicide rate among women is reportedly almost three times higher than among men. Laws to protect women include the Anti-Dowry Prohibition Act of 1980; the Cruelty to Women Act of 1983; the Child Marriage Restraint Act of 1984; and the Illegal Trafficking of Women Act of 1988, but enforcement of these laws is lax. It is a capital offense to traffic in women, to kill a woman in the course of rape, or to murder a woman for dowry. Even so, dowry killings, in which the husband or his family attack and sometimes murder the bride for nonpayment of a supposedly promised dowry, are believed to occur frequently in rural areas. Although newspapers frequently print reports in which a husband accused of dowry killing is tried and punished, the vast majority of these cases are believed to go unreported. The recently created National Advisory Committee Against Repression of Women plans to set up local branches in rural areas to address the problems of abused women, but there is still little recourse for victims of crimes committed within the family or home.

Members of minority religious groups are disadvantaged in practice, though not in the law, in their access to government jobs and political office. In the years immediately following Bangladesh's independence, members of some minorities, principally Hindus, lost or had serious difficulty retaining their properties as a result of the prejudicial administration

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of vested property laws. These laws permitted the Government to use or even sell property belonging to persons who left what is now Bangladesh between 1965 and 1971. Although the President in July reiterated a 1984 executive order requiring the return of such property to the original owners, some human rights activists contend that property is still occasionally seized under these laws.

Discrimination against the tribal people in the CHT with respect to property rights has been a persistent issue. Until 1985, tribal land, for which there is frequently no deed, was parceled out by authorities to Bengali Muslim settlers in the CHT. Tribal peoples' property rights were also violated by the issuance of false deeds, physical attacks, actions taken following the failure to meet mortgage payments, or confiscation by the army in areas where the tribal insurgency is active. There were no reports of such violations in 1989, and the Government's CHT local government councils legislation, which grants land allocation and regulation authority to elected, tribal-dominated district councils, affirmed the tribals' land rights. The legislation also gives the councils authority over local law enforcement, housing, health, and educational facilities. Even so, concern over these issues lingers among many of the hill people.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association, subject to restrictions imposed by law. The Constitution also provides for the right to form labor unions, subject to governmental approval. Although the Government has the legal right to suspend unions, it took no such action in 1989.

Workers in trade associations or unions may draw up their own constitution and rules, elect officers, develop programs, and conduct business without government interference. There are no restrictions on joining confederations or affiliating with international organizations. However, union members need governmental clearance to travel to international labor meetings. No such clearances were withheld in 1989.

The right to strike is not specifically recognized in the law but is an accepted form of protest in Bangladesh. Numerous strikes were held in 1989. The Essential Services Ordinance of 1958 permits the Government to bar strikes for 3 months in any sector deemed "essential." Labor unions represent only 3 percent of the work force, a reflection of the low level of industrialization. Nevertheless, unions are powerful and important in such sectors as jute, tea, and transportation. There are several national labor centrals in Bangladesh. Most labor unions and federations are associated with a political party. The Workers-Employees United Council (SKOP), the largest trade union federation, is sympathetic to the opposition.

The Committee of Experts (COE) of the International Labor Organization in 1989 noted that Bangladesh's law contains a number of defects affecting freedom of association and collective bargaining rights, including restrictions as to the range of persons who can hold office in trade unions, wide-ranging supervisory powers vested in the registrar of trade unions, and a rule requiring that a union organize at

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least 30 percent of the workers in an establishment before it can be registered.

b. The Right to Organize and Bargain Collectively

By law, workers have a limited right to collective bargaining. Public sector employees cannot form unions or bargain collectively. There is no formal process of mediation. Except in the Chittagong Export Processing Zone, unions in the private sector can generally bargain collectively without government interference. The Government suspended union activity in the Chittagong Export Processing Zone in 1985 and the suspension remains in effect.

Workers have participatory rights in union business in theory, but both union leaders and employers often violate them in practice. Union leaders allegedly make decisions without first consulting members, and allegations have been lodged of irregularities in union elections. For their part, employers frequently ignore laws prohibiting antiunion discrimination, a practice which is particularly prevalent in the garment industry, where the work force is predominantly female. Employers have also been accused of harassing union leaders and of firing workers for union activities. Although laws against such practices exist, the difficulties of prosecuting a court case against an employer discourage union attempts to have them enforced.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor. Although this prohibition is substantially respected, there have been unsubstantiated reports of bonded labor on some tea and rubber plantations. The Government actively seeks to prevent the trafficking of bonded laborers into other South Asian countries.

The COE in 1989 requested the Government to repeal a law of 1952 (which the Government said was no longer operable) making it a punishable offense for a government employee to terminate employment without the consent of the employer. The COE also asked the Government to correct a law dealing with the forcible conveyance of seamen on board ship to perform their duties.

d. Minimum Age for Employment of Children

The Employment of Children Act prohibits the offering of employment to any person under the age of 14, but the act is not enforced. Sanctioned by tradition and encouraged by dire economic necessity, child labor is a serious problem. Legal minimum ages for various types of employment, which range from 12 to 17, are seldom enforced, and the country's poverty is such that children are regularly engaged in all available jobs. There is no compulsory education. The Bureau of Labor Statistics estimated the number of child laborers at approximately 3 million in 1986. These children pedaled rickshaws, served as domestic servants, worked as helpers in transport services, carried loads at railway stations and river terminals, labored at construction sites, and were employed in great numbers in agriculture.

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e. Acceptable Conditions of Work

Regulations regarding minimum wage rates, hours of work, and occupational safety and health are not strictly enforced. Income levels, which average \$1 to \$2 per day with the minimum wage at approximately \$.07 per hour, are not sufficient to sustain a decent standard of living. The Factories Act of 1965 and the Shops and Establishments Act of 1965 limit normal working hours to a maximum of 8 hours per day and 48 hours per week. With overtime, the workweek may not legally exceed 60 hours. Although the law stipulates that overtime work is to be compensated by double the hourly rate, overtime pay practices do not conform to these requirements. Safety equipment and precautions are largely unknown, and the small number of safety inspectors are frequently untrained and underpaid.

BHUTAN*

Bhutan has been ruled since 1907 by the Wangchuck dynasty of hereditary monarchs. Isolated in the Himalayas between India and Tibet, the small Kingdom (about the combined size of Vermont and New Hampshire, with a population of about 1.5 million) has been able to escape external domination since the 10th century. It was not until the rule of King Jigme Dorji Wangchuck (1952-72) that a Bhutanese ruler took steps to move the Kingdom from centuries of medieval seclusion toward a more representative political system and a better integrated, more productive economy. Although he retained strong executive powers, the King created several important institutions, including the National Assembly (1953), the Royal Advisory Council (1965), and the Council of Ministers (1968), to provide broader participation in the Government. The King, however, still plays the predominant role in decisionmaking. Serfdom was abolished, land reform introduced, laws codified, and the judiciary separated from the executive. There is no written constitution or bill of rights. The present monarch, Jigme Singye Wangchuck, has been in power since 1974 and has continued Bhutan's social and political evolution, although progress has been seriously handicapped by the Kingdom's limited administrative capacity and resources.

Internal security is maintained by the Royal Bhutan Police. It is assisted by the Royal Bhutan Army, which consists of 8,000 lightly armed men.

Bhutan remains, at least in terms of national income statistics, the poorest country in South Asia, with a per capita income half that of its neighbor India; this figure is deceptive, however, since the largely rural population grows much of its own food. Bhutan remains one of the most traditional and least developed countries in the world. The large majority of the population is illiterate and rural, living on subsistence agriculture and pastoral pursuits in a largely barter economy. Economic growth takes second place to self-sufficiency in national policy objectives. Over the past several years, Bhutan has successfully reduced its almost total economic dependence on India. It continues to restrict access by the outside world in the hope of minimizing the spread of foreign influences. This has not been completely successful, however, as a large majority of the development labor is foreign. The number of tourists is strictly limited to 3,000 a year. The Bhutanese have closed Buddhist monasteries to tourism to maintain the "religious purity" of those shrines.

Knowledgeable Bhutanese report no major violations of human rights in 1989. Although the Government is still essentially autocratic, most observers agree that Bhutan suffers few of the problems of disaffection and repression that afflict many third world countries undergoing more rapid change. The Government is concerned about the dangers of ethnic strife and has adopted policies that encourage ethnic integration.

*Bhutan and the United States have not exchanged diplomatic representatives, and U.S. officials travel there infrequently. Since few scholars have published studies on the contemporary Bhutanese polity or society, information on Bhutanese practices which bear on human rights is neither readily available nor complete.

BHUTAN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known political or other extrajudicial killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There was no evidence of cruel, inhuman, or degrading treatment or punishment. Serious crimes are still rare, although reportedly there has been a trend toward more criminal activity in recent years with the growth of a foreign labor force in the country, widening economic disparities, and greater contact with foreign cultural values. Mutilation was outlawed in 1965.

d. Arbitrary Arrest, Detention, or Exile

There is no special or preventive detention, and arrests can be made only under legal authority. As far as is known, exile is not employed as a form of punishment.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Criminal cases and a variety of civil matters are adjudicated under an 18th century legal code revised in 1957. Familial questions are resolved according to the traditional religious norms of the two major religious groups in the country. Buddhist law governs the majority of Bhutanese, and Hindu law is applied in areas where persons of Nepali origin predominate.

The Kingdom's legal system does not provide for juries, the right to be represented by legal counsel, or due process in the Western sense. However, trials are public and are usually carried out expeditiously. There are generally no prosecuting or defense attorneys because the number of lawyers in the country is insufficient to serve in these capacities. Judges, appointed by and accountable to the King, are responsible for all aspects of a case, including investigation, filing of charges, prosecution, and judgment of the defendant. A separate judiciary was established in 1968 which provides for local, district, and national courts with original and appellate jurisdiction. Final appeals may be made to the King.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no written guarantees of privacy, but tradition has bolstered the concept. In practice, the Government does not generally intervene arbitrarily or unreasonably in the lives of the people. Buttressing the nation's traditional culture, however, is a priority for the Government. In 1989, by royal decree, the wearing of national dress was made compulsory for all citizens in order to preserve and promote the Kingdom's unique identity. Bhutanese found violating the decree are

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fined \$10 or sentenced to jail for a week. From all reports, the decree is not being rigorously enforced.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

With an adult literacy rate of around 12 percent, Bhutan's population is relatively unaffected by the print media. The Government's weekly newspaper is the country's only regular publication. Indian and other foreign newspapers and publications are distributed without apparent government control. Bhutan has no television. In 1989 the Government ordered the dismantling of all television antennas to prevent the people from watching foreign programs. The government radio station broadcasts for 3 hours daily in the four major national languages. Criticism of the King is permitted in the National Assembly but not in the public media.

b. Freedom of Peaceful Assembly and Association

While no written guarantees of these freedoms exist, Bhutanese generally enjoy the freedom of peaceful assembly and association. There are no private voluntary social, communal, or economic associations and no professional or trade organizations. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Buddhism is the state religion of Bhutan. The Government subsidizes monasteries and shrines and provides aid to about half of the Kingdom's 12,000 monks. The monastic establishment enjoys statutory representation in the National Assembly and Royal Advisory Council and is an influential voice on public policy. Citizens of other faiths, who are mainly Hindus of Nepali origin, enjoy freedom of worship. In an effort to encourage national cultural integration, the King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries may live in Bhutan if they have some other functional capacity, but they are not permitted to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Bhutan for all Bhutanese citizens and no bar on emigration or foreign travel. For many years, Bhutanese traveled little inside or outside the Kingdom, but the recent construction of roads and the establishment of air links with New Delhi, Calcutta, Dhaka, Kathmandu, and Bangkok have encouraged travel. A policy introduced in the 1950's, which prohibited the exiled leaders of an outlawed Nepali-Bhutanese political party from returning to the country, has been liberalized to allow them to return.

Since 1986, Bhutan has been conducting a drive to identify people without work permits. In this process, about 1,000 foreigners have been expelled from the Kingdom, of which over 900 were largely Nepalis with some Bangladeshis; 93 were Indians. The Indian press reported in 1989 that the number of establishments run by Indian nationals in Bhutan is gradually declining with the termination of their trading licenses.

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Bhutan traditionally has welcomed refugees and exiles from other countries in the region. Some 6,000 Tibetans sought refuge in Bhutan in 1959, joining approximately 4,000 Tibetans already in the country. Because it perceived threats to its national security from the Tibetan refugees' suspected lack of allegiance to Bhutan, the Government required in 1979-80 that they either accept Bhutanese citizenship or face expulsion. A considerable number sought refuge in India. Those Tibetans in Bhutan who accepted Bhutanese citizenship have been assured by the Government that they will be free to return to their homeland. The Government decided not to carry out its threat to deport those who did not apply for Bhutanese citizenship. It is government policy not to accept new refugees from Tibet, although a handful of refugees have come across the border since the imposition in March of martial law there.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The citizens of Bhutan do not have the right to change their government. Bhutan is a traditional monarchy, with sovereign power vested in the King. It is a highly elitist system, with decisionmaking centered in the palace and involving only a small number of officials in the civil and religious establishments. Although the present King and his father have endeavored to integrate women and southerners (Nepali ethnics) into the body politic, the system is still dominated by the male members of an aristocracy of Tibetan Buddhist ancestry.

Political parties do not exist, and their formation is discouraged. Local administration is carried out by centrally appointed government officials. Villages, however, have the traditional right to elect by consensus their own headmen, who form the lowest rung of the administrative hierarchy. The Government is in the process of administrative decentralization as a means of bringing the administration of the country closer to the people and giving them a more direct role in governance. When the King is touring outlying districts of the Kingdom (which he does frequently), any citizen can flag down his car and present an aide with a written petition, which is assured an official response.

The 150-member National Assembly is composed of 105 members elected by limited franchise (heads of family in Hindu areas, village headmen in Buddhist regions), 12 elected by the monastic establishment, and 33 high-level officials of the government administration appointed by the King. Its principal functions are to enact laws, approve senior appointments in the Government, and advise the King on matters of national importance. It also provides a forum for presenting grievances and rectifying cases of maladministration. Voting is by secret ballot, with a simple majority needed to pass a measure.

The King cannot formally veto legislation passed by the Assembly, but he can refer bills back to it for further consideration. The Assembly occasionally has rejected the King's recommendations or delayed their implementation, but the King has always had enough influence to persuade the Assembly to approve any legislation he considers essential or to withdraw any proposed legislation he opposes. Government officials may be questioned by the body, and ministers can be forced to resign by a two-thirds vote of no confidence.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international agency or group is known to have sought entry into Bhutan to investigate human rights conditions. No nongovernmental human rights groups are known to exist in Bhutan, nor do human rights appear to be a subject of domestic political debate.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In contrast with some of its neighbors, Bhutan has not developed either a rigid caste system or customs which sequester or disenfranchise women. Boys tend to outnumber girls by about two to one in primary school, and seven to one at secondary level, but family land is divided equally between sons and daughters. Bhutanese traditionally place girls in a lower status than boys because of their lesser importance to the family economy. Girls receive poorer nutrition and lesser medical attention than boys. The disparity between the higher mortality rates of female versus male infants has resulted in an overall ratio in the population of 97.2 females per 100 males, one of the lowest in the world.

The sexes mix relatively freely, marriages can be arranged by partners themselves as well as by their parents, and divorce is common. A man is allowed by law to have three wives, but polyandry is not sanctioned. Legislation has been enacted in recent years making marriage registration compulsory and favoring women in matters of alimony. Although violence against women is known to occur, no information is available on its extent. In 1989 some 10 percent of the persons employed by the various government ministries and departments were women.

Potentially the most divisive issue in Bhutan is, how to accommodate the large (estimated at 20-30 percent) segment of the population of Nepali Hindu origin. The country's Buddhist majority has long been concerned about being outnumbered by immigrants from Nepal, as occurred in neighboring Sikkim. In the past, the Government responded to this concern by tightly limiting immigration and restricting residence and employment of the Nepali population to the southern part of the country. More recently, the Government has liberalized its policy toward the Nepali minority. The Government now encourages intermarriage, educates some students in regions other than their own, and gives higher priority to economic development of the south. By law, southerners may own land and establish business in the north and vice versa, but reportedly it is sometimes still difficult for non-Buddhist Bhutanese (except government officials) to buy property in Buddhist areas.

More and more young Bhutanese of Nepali origin are entering public economic and administrative bodies, and laws concerning land tenure and taxation in the south are being liberalized. Although the language of instruction is English, there is a requirement that Dzongkha, the language of the western highlands, be taught in all schools, and this requirement is said to disadvantage students from other areas. In general, however, the Government appears to be sensitive to the problems of national integration and is attempting to eliminate the factors which, in the past, led some Nepali Bhutanese to describe themselves as second-class citizens.

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Families with ties to the palace and senior levels of the Government are strongly favored in their access to state scholarships for foreign education. Nevertheless, the King is making a serious effort to draw qualified persons from a broader range of social and ethnic backgrounds into the prestigious civil bureaucracy. Among the non-Drukpa (ruling elite) officials is the Minister of Trade, who is of Nepalese origin.

Section 6 Worker Rights

a. The Right of Association

Trade unionism is not permitted and Bhutan has no labor unions. Bhutan is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining nor legislation addressing labor-related issues pertaining to the small industrial work force, which makes up less than 1 percent of the population.

c. Prohibition of Forced or Compulsory Labor

As far as is known, there is no law prohibiting forced or compulsory labor but it is not practiced.

d. Minimum Age for Employment of Children

There are no laws governing the employment of children. However, children are not employed in industrial labor.

e. Acceptable Conditions of Work

As noted above, there is no legislation addressing labor issues. There is no legislated minimum wage, standard workweek, or health and safety standards. The shortage of labor in Bhutan is such that the larger industrial firms, all of which were established relatively recently, are organized along modern lines and incorporate a considerable amount of labor-saving technology. No industrial plant employs more than 60 to 70 workers, and most of these are guest workers from Nepal. Apart from a few larger plants, the entire industrial sector consists of home-based handicrafts and some 60 privately owned small or medium-scale factories producing consumer goods.

EGYPT

Egypt is a republic in which the President and his party, the National Democratic Party (NDP), are the dominant political forces. The NDP, in power since 1978, commands large majorities in the two Parliamentary bodies, the People's Assembly and the Shura (Consultative) Council; three of the five legal opposition parties have some representation in the Parliament. The Cabinet is headed by a Prime Minister appointed by and responsible to the President. Mohammed Hosni Mubarak was elected President by the People's Assembly in 1981 and reelected to a second 6-year term in July 1987. In accordance with the Constitution, his reelection was affirmed by a popular referendum.

Internal security is the responsibility of several different organizations. Of the three intelligence services, the General Directorate for State Security Investigations (GDSSI), which reports to the Interior Ministry, is the main agency responsible for domestic security, although there are several other police services, including the Central Security Force which protects public buildings, facilities, and foreign missions. Investigations pertaining to national security may be undertaken by any of the three intelligence agencies, depending on the nature of the case. GDSSI conducts most undercover investigations of domestic opponents of the regime, and also carries out interrogations of suspects arrested under Egypt's state of emergency legislation. It has been linked to many of the reports of torture and abuse of prisoners and detainees.

Egypt's economy has diversified over the past two decades as industries such as petroleum and services such as tourism have grown in importance. An inefficient public sector dominates the economy, and the Government also maintains an extensive network of subsidies and regulations as part of a social contract perceived by major segments of the population as essential to their economic security. Severe economic problems--sluggish growth, rising inflation, and shortages of foreign exchange--led the Government to design a reform plan aimed at reducing the Government's large budget deficit and increasing the role of market forces in the economy. Implementation of this plan continues to be held back, however, by deep-seated social and political resistance.

Human rights remained significantly restricted in 1989. The primary problems continued to be torture of detainees, with apparently ineffective efforts to investigate, try, and punish perpetrators of such abuses, an emergency law that permits prolonged detentions without due process, and various restrictions on political activities, which call into question the ability of citizens to change their government by democratic means. The Government continued its use of emergency law authority--currently in effect until 1991--to detain a wide variety of persons suspected of involvement in subversive activities. The number of political detainees is higher than last year's level, as at least 1,500 persons, including Islamic activists, alleged Communists, and strike participants were detained. Most of these were subsequently released. Those most likely to suffer from human rights abuses are Muslim activists or other groups perceived to be a threat to the Government. Women are likely to suffer from discrimination and abuses sanctioned by tradition.

EGYPT

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no confirmed reports of unlawful government-instigated killings for political reasons, nor were there any reported political killings by underground groups. Twenty persons have been indicted for their role in the "Egypt's Revolution" organization, accused of killing two Israeli diplomats and attempting to kill a number of other Israeli and American Embassy personnel in a series of attacks in 1984-87. The trial, which began in November 1988, continued throughout 1989.

b. Disappearance

There were no confirmed reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture and other forms of mistreatment are forbidden by the Constitution and the law, convincing reports indicate they continue to be practiced by police and security officials, and punishment of such actions is rare. Egyptian courts will not accept confessions or testimony considered to have been obtained under torture and have ordered the release of defendants in a number of state security trials because of reports by forensic medical examiners that the defendants had been tortured. Detainees and prisoners who claim to have been tortured can and do appeal for redress to the courts and public prosecutor. In rare cases the courts award financial compensation to torture victims. The law also provides for jail sentences ranging from 3 to 10 years for officials convicted of torture, and first degree murder charges may be brought against those who inflict torture resulting in the victim's death. In August a court ordered Interior Minister Zaki Badr to pay the nominal compensation of about \$40 to one victim's family in a case in 1988 in which police officers tortured to death a son who refused to testify against his father. There were no instances in 1989 of police being tried and punished for such actions.

In a report issued in May on arbitrary detention and torture under the Egyptian Government's emergency powers, Amnesty International (AI) concluded that the "seriousness of the allegations, medical evidence and consistency of detail" of detainee mistreatment have convinced it that a "pattern of torture" exists in Egypt.

Egyptian human rights activists note that most torture allegations involve members of the Islamic Gamaat, while other political detainees usually are not subjected to similar treatment. In August, however, security forces broke up a labor strike at an iron and steel complex in Helwan and detained up to several hundred workers. According to a report written by members of the Egyptian Organization for Human Rights (EOHR), arrestees were subjected to mistreatment including verbal abuse, systematic beatings, and threats of sexual violence, as well as the denial of medical assistance. In late August, security forces detained 52 persons, including four members of the EOHR, on suspicion of belonging to a

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"Communist Workers' Party." There is reliable evidence that members of this group were also tortured while under detention. There is no evidence that the authorities brought charges against those accused of torture or mistreatment. In early January 1990, EOHR published a second report charging that torture and sexual abuse of prisoners has become so widespread that it appeared to be a matter of policy by security forces holding those detained both for political and nonpolitical reasons.

The Arab Human Rights Organization, in its 1989 annual report, states that many cases of torture have been disclosed and that reports have been submitted to the prosecutor's office requesting full investigation. It does not say whether the Government has responded to these submissions.

d. Arbitrary Arrest, Detention, or Exile

Two systems of criminal procedure are in effect: ordinary criminal procedures and the emergency law. Under ordinary procedures, arrests follow investigations, and arrested persons are charged with violations of specific laws. With the important exception of certain applications of the emergency legislation, preventive detention is not practiced. Arrested persons have the right to a judicial determination of the legality of detention, and there is a system of bail. The ordinary law states that a detained suspect must be brought before a magistrate and formally charged within 48 hours of his arrest or be released. By and large, there is careful observance of constitutional and legal safeguards in the arrest and pretrial custody stages. Arrests occur openly and with warrants, and the accused are brought before an independent judiciary.

The major exceptions to the normal procedures arise when the emergency law, which gives the Government extraordinary powers, is applied. The Constitution and the emergency law empower the President, when national security or public order are thought to be in peril, to invoke emergency powers authorizing the arrest and detention of persons suspected of being dangerous to national security, irrespective of provisions of the penal code. Egyptian law specifies a wide range of offenses, deemed harmful to national security, which may be tried before a parallel system of state security courts under the emergency legislation. Despite a provision of the Constitution which states that a state of emergency may only be imposed in case of war, foreign invasion, civil strife, or natural disaster, a state of emergency has been imposed almost without interruption for the last 41 years and continuously since the assassination of President Sadat in 1981.

Under the emergency law a person may be held without charge or due process while an investigation is conducted. Within 30 days the detainee may petition the State Security Court to review his detention. The Court has 15 days to review the case, following which it may order the detainee's release. The Interior Minister then has 15 days to offer objection to the Court's decision, following which another State Security Court has a further 15 days to review the Minister's objection. If the second Court upholds the decision to release the detainee, the decision must be implemented. The Interior Minister, however, may simply order the detainee arrested again, in effect allowing the Government the right of indefinite detention of suspects in state security cases.

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During the People's Assembly debate in 1988 over the extension of the emergency law, the Government argued that the law is only applied against "terrorists, drug pushers, and illegal currency traders." In fact, the emergency law is used against those categories of suspected criminals, but it was also applied in 1989 to detain, among others, striking iron and steel workers, student demonstrators, Islamic student activists, and relatives (including young children) of suspects sought for questioning.

The Egyptian Minister of Interior acknowledged detaining 1,500 Islamic fundamentalists during April and May after a clash between fundamentalists and police in Fayyoun. In a wave of arrests in August and September, police detained some 300 more Islamic fundamentalists, 20 members of the Muslim Brotherhood (on charges of indoctrinating young children against the regime), and some 40 alleged Shi'ite Muslims on charges of plotting against the Government. Police also detained striking iron and steel workers and 52 persons (including four human rights advocates) on suspicion of belonging to a "Communist Workers Party." In December 300 fundamentalist students were detained after a clash between police and the students at Assyut University. In most cases, detainees are released after interrogation and never brought to trial. In fact, AI noted that "in recent years, only about 5 percent of those arrested for investigation in connection with security-related offenses have ever been brought to trial, suggesting that the great majority of such prisoners are held in the absence of any real evidence incriminating them in the offenses they are alleged to have committed."

Detainees are sometimes held incommunicado. According to AI's report, "in practice, political detainees' first access to legal counsel has been delayed for days or even weeks at a time. Many individuals are arrested without being allowed to inform their relatives of their detention."

Exile is forbidden by law and is not practiced. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Egyptian judiciary includes four types of regular courts: Summary Courts, Primary Courts, Appeals Courts, and the Court of Cassations (Supreme Court), and two kinds of special courts, the Court of Ethics and the State Security Courts. The courts are independent of the executive branch of government.

The provisions in Egyptian law for public trial do not apply in state security cases. Persons accused of certain security-related offenses, which may trigger emergency law provisions at the Interior Ministry's discretion, are usually tried in public sessions in the State Security Courts. These Courts have less independence than other courts because their decisions may be challenged by the executive. However, the State Security Courts have procedural safeguards (including the right of the defendant to be represented by an attorney, the attorney's access to the prosecutor's investigation, and a prohibition against secret testimony), and their judges are drawn from the ranks of the senior judiciary. The judgments of the State Security Courts may be appealed to the Higher State Security Court.

Under the emergency law, only the President may amend,

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commute, or cancel a sentence or order a retrial. The law also grants the President the authority to approve or reject all rulings of the State Security Court system. In some cases, the President may order defendants in state security cases to be tried before military courts, although the applicability of this provision to civilian defendants is repeatedly challenged on constitutional grounds. In July counsel for the defense challenged the original 1986 referral of a case involving defendants accused of burning video clubs to military court. The Egyptian Code of Criminal Procedures states that court hearings should be conducted publicly, but permits the Court to order part or all of the hearing to be conducted in secret session or to restrict access to the court "in order to preserve public order or morals." The court trying the Egypt's Revolution case has not ordered the hearings to be held in secret session, but has restricted access to the courtroom to those who have obtained special permits from the court. The proceedings have been covered thoroughly in the press.

No reliable statistics exist on the number of political prisoners. Opponents of the regime are not arrested for criticizing government leaders or policies. The Interior Ministry has drawn a distinction between indoor opposition meetings, rallies, and discussions, which are tolerated, and public demonstrations, which are not. For the most part, those tried and convicted for their political activities have been members of groups advocating the violent overthrow of the regime, but many people have been detained for questioning under the emergency law for varying periods without ever coming to trial.

The High Judicial Council is empowered to override decisions by the Ministry of Justice regarding judicial appointments, promotions, and other personnel matters. The Council of State, a court system having jurisdiction over disputes between private citizens and government agencies, is independent of the Ministry of Justice and is effectively safeguarded against arbitrary dismissal of its members.

In August the Higher State Security Court ordered the release of 50-odd members of an Islamic organization accused of inciting religious strife and trying to undermine government authority. In September several persons charged with being members of a "Communist Worker's Party" were released on their own recognizance after several days of detention.

Two judicial institutions sometimes criticized by the opposition as superfluous and potentially dangerous to the judicial system are the Court of Ethics and its investigating agency, the Office of the Socialist Prosecutor. Created in 1980, while Sadat was seeking to counter public criticism of widespread corruption in government, the Court is charged with trying offenders of "Socialist values," meaning investigations of allegations of corruption and illegal business activities. The other tasks of the Office of the Socialist Prosecutor include approving candidates for elective positions in the trade union movement, professional syndicates, and local government councils, as well as performing security checks on appointees to senior government positions. The Socialist Prosecutor may impose travel bans on officials under investigation. The Socialist Prosecutor and Court of Ethics were involved in a number of recent cases, including those involving Islamic investment companies. The Socialist Prosecutor referred 13 Islamic investment companies to the

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Financial and Commercial Affairs Prosecutor, and the Court of Ethics placed the money of some Islamic investment company owners under sequestration.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for freedom from arbitrary interference in private life by the State or by political organizations, but this freedom is significantly abridged in cases under the emergency law. Ordinarily, police must obtain a warrant from the Public Prosecutor before undertaking arrests, searches, or seizures. On occasion the courts have dismissed cases when they determined warrants were issued without sufficient cause. Police officials who conduct searches without proper warrants are subject to criminal penalties. However, the emergency law empowers the President, or the Minister of the Interior acting as his deputy, to authorize searches of persons or premises without following normal procedures. The internal security services have the capability to monitor telephone and other private conversations of the political opposition and a broad range of citizens suspected of illegal or subversive activity. There are persistent and credible reports of routine screening of, and in some cases interference with, correspondence and especially international mail. As with search warrants, telephone taps and mail screening normally require the prior authorization of the Public Prosecutor, but normal procedures do not prevail when the emergency law is invoked. GDSSI and the other domestic intelligence agencies engage routinely in surveillance of opposition politicians, political or social activists, foreign diplomats, and suspected subversives. Employees of most government facilities, public sector factories, and foreign embassies presume that their activities are monitored by government informants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and in general the Government has provided press freedom and resisted curbs on political expression. Egyptians openly express their views without fear of retribution on a wide variety of political and social issues, sometimes airing vigorous criticism of the Government. A lively debate of national issues and criticism of government officials is evident in the media and the theater. Much commentary reflecting differences of opinion appears regularly in the major government-owned dailies and magazines. Radio and television are state owned and all broadcasts are closely supervised by the Government. National newspapers are corporately independent and therefore less controlled, but they still essentially answer to the Government.

The opposition papers are free to publish stories supporting the political inclinations of their sponsoring organizations. Journalists and other persons slandered or maligned in the press may sue in court or, in the case of journalists, raise the matter with the press syndicate. By virtue of their positions, the President and members of the People's Assembly and the Shura Council may not sue for libel. There have been repeated moves to strip opposition Members of Parliament of their parliamentary immunity so that they could be sued for articles appearing in their parties' newspapers.

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The Government occasionally exercises influence on the national dailies and magazines, the editors in chief of which are appointed by the presidency and can be dismissed by the NDP-dominated Shura Council. The Council supervises the press to some extent through the Higher Press Council, a 45-member body chaired by the Speaker of the Shura Council and composed of senior press figures. One of the Higher Press Council's functions is to approve applications for new publications. No applications to publish independently owned journals were approved in 1989. The Council's approval, however, is only required for publications appearing regularly.

There is no overt censorship, with the exception of press bans occasionally imposed by the State Security Prosecutor on stories which might affect the course of investigations under way in State Security Court cases. In September allegations that suspected Communists arrested in August were tortured while detained were aired extensively in the opposition press. Nevertheless, journalists and editors working for the government-supported newspapers are sometimes given guidance by officials about the treatment of specific issues. This guidance is given informally to senior editors and board chairmen by senior officials such as the Information Minister. This does not happen routinely; usually the editors know the policy and are aware of the limits which they are expected to observe. Opposition press coverage of the arrests of Islamic extremists and suspected Communists, strikes, and public demonstrations was not censored.

In August 1988, the Government closed down the Nasserist opposition newspaper Sawt al-Arab following a controversial attack by the paper's editor on the Saudi ruling family. That was the only instance of government action to silence an opposition newspaper in recent years. Supporters of the newspaper lost an appeal in 1989 to resume publication in Egypt and are publishing Sawt al-Arab abroad.

The universities enjoy a considerable degree of academic freedom. In the past, faculty clubs at several universities, especially the Universities of Alexandria and Assiut, have held political discussions which led to friction with the Minister of Interior and threats to dissolve the clubs. Faculty members are more likely to feel social pressure to conform than any actual interference in their publications or research. Controversial books by Egyptian authors are published freely in Egypt but are sometimes banned from overseas distribution by the Government. A wide variety of foreign reading matter in Arabic and other languages is available at newsstands and major hotels, although there are isolated reports of the seizure or censorship of foreign publications.

b. Freedom of Peaceful Assembly and Association

Under the emergency law, the Government can and does place limitations on the constitutionally assured right of assembly.

Permission is required from the Ministry of Interior to hold public meetings, mass political rallies, and protest marches. In September the Governor of Ismailiyya banned a meeting of the Lawyer's Syndicate during which arbitrary arrest, torture, and human rights abuses were to be featured as topics. Also in September, security forces arrested several Islamic activists who participated in a press conference sponsored by

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the Physicians' Syndicate to denounce arrests and alleged torture ordered by the Interior Ministry. In October the Ministry is reported to have acted to prevent the holding of a seminar, sponsored by the Islamist-dominated Engineers' Syndicate, intended to promote a campaign against torture. Generally, however, the Minister of Interior permits protest rallies on the campuses and at the facilities of professional associations, particularly the Bar Association. Street demonstrations, however, have been banned on the grounds that they are a likely source of violent disturbances. Islamic organizations are permitted to organize public religious ceremonies, often attended by tens of thousands of people, on major holidays, but persons regarded as Islamic radicals may still be denied permission to organize public assemblies.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

According to the Constitution, Egypt is an Islamic state which provides for freedom of religious expression and equality before the law, regardless of religion. Egypt has a tradition of religious tolerance, and, with some notable exceptions, the authorities generally uphold the rights of religious minorities and the rights of individuals to practice their religion. In accordance with Islamic law, only Islam, Judaism, and Christianity are fully recognized as religions with laws, traditions, and rites which must be respected. The overwhelming majority of Egyptians practice Sunni Islam or Coptic Christianity.

Coptic Orthodox Christians, the most significant religious minority, may constitute 10 percent of the population, although their numbers are a subject of controversy. Coptic-Muslim relations continued to be generally good in 1989, with no increase in incidents of sectarian violence from the level of 1988.

While most Egyptian Jews emigrated in the 1950's and 1960's, those few who remain appear to practice their faith without restriction or harassment.

Various Protestant denominations operate, some with significant Egyptian membership, while others have a small, largely expatriate following. Members of recognized religions may maintain links with coreligionists abroad. Other small religious groups continue to face difficulties.

Significant problems are encountered by those who convert from Islam to Christianity. Christian missionaries who engage in proselytizing Muslim Egyptians may be prosecuted under the penal code or under the broad terms of the Law of National Unity, even though missionary work is not specifically banned. This represents a major departure from the traditional Islamic practice in which proselytizing Muslims would be considered a capital offense. Conversion from Islam, while officially not restricted or penalized, is discouraged by the Government, and even more so by social pressure. In a number of cases involving converts from Islam, the security authorities have used the state of emergency legislation to arrest and detain converts, without bringing specific charges, on the grounds that converts threaten social peace and intercommunal relations. Those who convert cannot have the religion category changed on their national identity cards or

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other legal documentation.

All recognized faiths can, in principle, establish places of worship, run schools, and train enough clergy to serve believers. Synagogues and churches routinely receive police protection. Under a law dating back to the Ottoman era, however, non-Muslims must obtain a series of permits culminating in a presidential decree to build or repair places of worship. Obtaining authorization can take years and is often not granted. This is a point of contention, especially among Coptic Christians.

Egyptian law prohibits the use of places of worship to criticize the State. The courts have not yet ruled on a challenge to the constitutionality of this restriction. Although the Government maintains that sermons by Islamic and Coptic religious figures are not censored, Muslim prayer leaders are occasionally detained and questioned for delivering allegedly inflammatory sermons in their mosques. The Ministry of Religious Endowments has also been known to substitute its prayer leaders at mosques for preachers it regards as troublesome, as well as to take over the administration of some privately run mosques considered to be centers of antigovernment activity.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Egyptians are free to move within Egypt, except in well-defined military districts; there are additional restricted areas to which foreigners may not travel. Exceptions to freedom of foreign travel and emigration apply to males who have not completed compulsory military service, unmarried women under 21 or married women who must obtain their father's or husband's permission to obtain a passport, and persons under investigation for criminal offenses or whose travel is banned by emergency law provisions. Citizens who leave the country have the right to return. There are no known cases of citizenship being revoked for political reasons. Under the state of emergency, the Prime Minister has authority, which he may delegate to the Interior Minister, to restrict foreign or domestic travel. The total number of persons denied the right to travel abroad is relatively small, and travel bans are generally applied according to normal legal procedures.

Egypt's record on granting political asylum generally has been good, and the extradition of those granted political asylum is prohibited by the Constitution. Several thousand non-Egyptian Arabs residing in Egypt, including many Libyan dissidents, have been granted political asylum. Egypt also allows the children of some African refugees awaiting resettlement to study in Egyptian schools and grants residence to a number of elderly persons who have remained stateless since the Second World War.

Although there were two well publicized cases of deportation in 1988, there were no known deportations in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the right exists theoretically, as a practical matter citizens do not have the ability to change the government by democratic means. Since the 1952 revolution, Egypt has had a

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political system characterized by a strong presidency. Four former military officers, including Mubarak, have served as president in that period, but civilian government has become increasingly separated from military influence. Nasser ruled a one-party state, Sadat created an embryonic multiparty system, and Mubarak has liberalized the political atmosphere by expanding the range of legal opposition activities. While Mubarak's National Democratic Party (NDP) dominates the political scene, there are now five legal opposition parties which are allowed to organize, hold rallies, publish their views, and enter candidates for election to the People's Assembly, the Shura Council, and local councils. Still, the political process remains significantly restricted, and in 1989 there was some slowing of the general trend of the last several years toward increasing political liberties and a widening scope for legal opposition participation in the political system.

The NDP is a nonideological party which groups together a range of political camps, some of which support the statist and Arab nationalist policies promoted by former President Nasser, while others support the more liberal economic and pro-Western foreign policies promoted by Sadat. Still others are Mubarak supporters of little fixed ideological commitment. It has a dominant role in most party-based institutions in the country. It holds almost every seat in the Shura Council, as well as virtually all the seats in the 1,300 local popular councils across the country.

According to the Constitution, the President is elected by the People's Assembly; his election is then ratified by popular referendum. Both of President Mubarak's elections to 6-year terms of office, most recently in 1987, followed these constitutional provisions. These procedures, in principle, allow the Egyptian people to exercise their right to change their government. The opposition argues that the Constitution should be amended to allow for direct popular election of the President. President Mubarak has countered that he is "administering democracy by doses" and that the public is not prepared for full democracy.

The People's Assembly comprises 458 members, of whom 448 are elected. The remaining 10 are appointed by the President. The Constitution reserves half of the elected seats for worker and farmer deputies. In the 1987 elections, the NDP won 348 seats, plus the 10 appointed seats. The two principal opposition groups, the Socialist Labor Party (in alliance with the Muslim Brotherhood) and the New Wafd, won 56 and 25 seats respectively. The Assembly debates and passes laws and must approve the Government's general policies and civilian budget. The military budget is not subject to parliamentary review. Assembly members can and do, however, call for parliamentary investigations and interpellate ministers. This often vigorous questioning is broadcast on television and covered in the press.

The opposition parties continue to make credible complaints about electoral fraud by the Government and about the method of calculating election results used by the Ministry of Interior. NDP candidates won all of the elected seats in the June Shura Council elections and a September by-election in Port Said. The 1987 postelection ruling by the State Council Administrative Court that the NDP should give up 39 seats to the Wafd and the Islamic alliance was never implemented. The ruling remains under discussion in both the State Council and

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Constitutional Court systems.

The opposition parties and some within the NDP and government leadership also object to the "party list system" used to calculate election results in the People's Assembly, arguing that direct election of individual candidates is fairer to smaller parties than is proportional representation and would assure better qualified candidates and popular participation. However, the outcome of the Shura Council elections, which were contested on an individual basis, have tended to focus debate on the larger issue of electoral fairness. Some regime critics argue that the political system is designed to ensure that the NDP and the Government retain control of all state institutions. Government supporters argue, however, that President Mubarak has firmly established at least an elementary multiparty system in order to create checks and balances and give expression to a broad range of political views.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not responded to most of the queries from Amnesty International and other international groups about human rights concerns. However, in 1988 it received two AI delegations, including one headed by the organization's Secretary General, to discuss human rights. These visits resulted in a report submitted to the Government which included a number of recommendations (June 1988). The Government provided some preliminary comments in response.

Human rights groups in Egypt continue actively to promote domestic and foreign human rights issues, even though they have not been accorded official recognition by the Government. The Egyptian Chapter of the Arab Organization for Human Rights (AOHR), which has been active for several years, was denied permission by the Social Affairs Ministry to establish itself as a legally recognized organization on the grounds that its activities were political in nature. Local human rights observers believe the Interior Ministry detained and reportedly tortured four persons in late August because of their activities as members of the Egyptian Organization for Human Rights. The Government has also denied recognition to the larger AOHR and refused permission for the establishment of a local chapter of AI. Nevertheless, the AOHR continues to maintain regional offices in Cairo and publishes its newsletters and annual review of the human rights situation in the Arab world without interference.

The AOHR has sought and been denied access to prison facilities to inspect conditions and meet with prisoners.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Egyptian law provides for equality of the sexes, but aspects of the law and many traditional practices are discriminatory against women. Marriage and personal status are primarily based on the religious law of the individual concerned, which for most Egyptians is Islamic law. Under Egyptian law a married woman must have her husband's permission to obtain a passport, and he may stop her from traveling for any reason. A child must have his or her father's permission to obtain a passport, and even if the parents are divorced and the mother

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has custody, the child's mother need not be informed if the child obtains a passport or travels outside of Egypt.

The Revised Family Status Law, enacted in July 1985 to replace a 1979 law declared unconstitutional by the Supreme Constitutional Court, amplified the legal basis for equality of the sexes beyond rights contained in Islamic law. It largely ensures a woman's right to divorce and preserves the wife's child custody and property rights. A second marriage by the husband (multiple marriage for men is acceptable practice in Islam) is grounds for the first wife to divorce, if it is shown that the marriage had caused her material psychological harm, or if the husband fails to declare such subsequent marriages. A wife has the option of retaining the family residence or receiving financial compensation. These aspects of the family status law only apply to Muslims. Christians do not practice plural marriage, and the Coptic Church permits divorce only in unusual circumstances.

Under Islamic law, which is applied in personal status matters, female heirs are entitled to one-half the amount of inheritance that male heirs can receive. However, only male heirs have a duty to provide for all the members of the family who need assistance.

Economic necessity as well as changing attitudes are drawing more and more women into the work force. They are increasingly well represented in medicine, law, and education. Within more traditional communities, prevailing cultural values make it more difficult for women to work outside the home. Some jobs are advertised for males only.

Despite the legal stipulation of equality, women living in more traditional areas occupy a subordinate and dependent role in the household. Women's rights advocates also note that some traditional attitudes and practices--particularly female circumcision, Islamic legal attitudes toward divorce and plural marriage, and the male relatives' responsibility to punish even to the point of death their female relatives who bring dishonor to the family by actual or presumed violation of the strict traditional code of sexual conduct--are highly discriminatory toward women. Some of these acts are illegal. Most of these traditional practices are disappearing from the cities but are still practiced to varying degrees in the countryside. Although violence against women is known to occur, little is known about its extent. There are no reliable statistics on the subject. Abuse within the family, such as wife beating, is seldom discussed publicly owing to the value attached to privacy in family matters in this traditional society. .

Reliable statistics are not available for female circumcision in Egypt. While it is not against Egyptian law, the law prohibits doctors from performing it in government hospitals. One doctor who has done extensive research on this subject maintains 80 per cent of women in Egypt's rural areas receive the milder form of excision/circumcision, although in parts of Upper Egypt the more drastic infibulation is practiced. In the larger cities the rate decreases to 50 percent in the less educated classes and almost zero in the middle and upper classes.

Coptic Christians work in all career fields, occupying many leadership positions in the business and professional communities. Copts continue to enjoy access to public

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employment, although there appears to be some discrimination against young Copts seeking to obtain employment in the government or public sectors. Coptic representation at the highest levels of government increased slightly in 1987--from 2 to 3 of the total of 33 cabinet ministers and from 9 to 11 of 458 People's Assembly deputies--following the People's Assembly elections and a minor cabinet reshuffle. Copts seldom advance to the senior ranks of the military (there are no Coptic generals), security, or diplomatic services, nor are there any serving Coptic governors (26 states) or security directors of governorates.

Some Copts allege that they are discriminated against in admissions to some fields of medical study, particularly obstetrics and gynecology. Islamic activists have objected to the prevalence of Copts in the medical and pharmacological professions, arguing that Muslim women should not be treated by Coptic doctors or go to Coptic pharmacists. There are also reports that universities have effectively blocked Coptic professors from becoming administrators and chairmen of certain departments. Copts note that Arabic language classes use the Koran as the major text.

Although religious minorities face social prejudice and individual acts of discrimination from some Muslims, there is no evidence that these acts are officially inspired or condoned. President Mubarak has emphasized publicly the full equality of Copts and other religious minorities. The courts' application of Islamic law to personal status matters among Muslims, and the Islamic influences elsewhere in the legal system, have not affected the constitutionally assured freedoms of Copts and other minorities. Coptic observers have alleged that it is Islamic fundamentalists who contribute most heavily to the discrimination experienced by the Copts, but that government officials, reluctant to antagonize the fundamentalists, fail to rectify situations created by their anti-Coptic actions.

Section 6 Worker Rights

a. The Right of Association

The law provides for the workers' right to join local committees of workers. About 20 to 25 percent of the work force is unionized. Any establishment employing 50 or more workers must allow them the right to organize a local committee if the workers so desire. These locals are affiliated with national trade unions, organized along sectoral lines, all 23 of which are required to affiliate with the single labor federation, the Egyptian Trade Union Federation (ETUF). There have been complaints to the International Labor Organization (ILO) that requiring all national trade unions to join a single federation infringes upon workers' freedom of association. In its 1989 report, the ILO Committee of Experts (COE) again asserted that the law institutionalizes a single trade union system, contrary to Convention 87 on Freedom of Association. The Government has shown no sign that it intends to accept the establishment of more than one federation. The leadership of the Federation asserts that it actively promotes workers' interests and that there is no need for another federation.

ETUF is a member of The Organization of African Trade Union Unity and was readmitted to the International Confederation of Arab Trade Unions in March (from which it was expelled in

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1978). ETUF sends observer delegations to International Confederation of Free Trade Unions' and World Federation of Trade Unions' conferences, but, in an effort to maintain its nonaligned status, has not joined either one.

The ETUF is dominated by the NDP and therefore works, at the least, in close concert with the Government. The ETUF, which has a pyramidal structure, holds its elections periodically, with each level electing the leadership of the next level. Candidates for offices are approved by the Office of the Socialist Prosecutor. A council of national union presidents elects the ETUF Council, which in turn elects the President of the Federation from among its ranks. The trade union movement takes pride in the relative independence of its electoral procedures; a large number of union presidents were not reelected in 1987. The person and property of union leaders are not threatened by the Government or nongovernmental antiunion forces. The 1989 report of the ILO COE, while noting some positive developments, repeated its request that the Government not interfere in the internal affairs of the unions and allow these matters to be determined by union rules.

The labor law provides for a system of arbitration to resolve disputes about wages and working condition. While the labor law and labor unions are silent on the right to strike, the larger body of Egyptian law, in fact, restricts workers' right to strike. The Criminal Code provides criminal penalties of up to 2 years in jail for civil servants or public sector employees who strike and more severe penalties for those who incite others to strike. The National Security and Unity Law of 1977 punish workers by hard labor if they participate in a strike that "constitutes a threat to the national economy" or in a gathering or sit-in that "endangers the public peace." The Government has occasionally reacted harshly to strikes in the public sector. In August the security forces allegedly beat and detained hundreds of workers who participated in a strike at the Helwan Iron and Steel Complex. One worker was killed. Detainees subsequently complained of mistreatment and torture while held in prison.

The strongest antistrike provision is contained in the Law of National Unity which prohibits strikes that threaten the national economy. The full implications of this law are not yet clear. In 1987 the State Security Court ruled in the case of a 1986 train conductors' strike that the Government is obligated as a signatory to the International Covenant on Economic, Social, and Cultural Rights to allow workers the right to strike peacefully. However, a presidential review panel refused to accept the Court's decision, and the issue remains unresolved. In August participants in the strike at the Helwan Iron and Steel Complex were arrested under the same law. The 1989 report of the ILO COE called on the Government to bring its legislation into conformance with Convention 87 by eliminating the existing broad restrictions on the right to strike.

b. The Right to Organize and Bargain Collectively

The law provides for the workers' right to organize. Establishments employing 50 or more workers must allow them to organize a local committee. Collective bargaining is permitted in the private sector (including in export processing zones) but not in the public sector where most union members are employed. For the most part, private sector wages and benefits are higher than those in the public sector.

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Trade union leaders note that there is a distinction between the unions' function in negotiating with the public sector and the private sector. Public sector wages and benefits are set by law at the national level. Trade unionists point to the constitutional provision that half the members of the People's Assembly must be workers and farmers and claim that the struggle to protect workers' interests in the public sector takes place in the legislature. ETUF also says that it holds regular private discussions with senior government officials, in which the Federation promotes the interests of the workers. The 1989 report of the ILO COE again cited provisions of the Labor Code directing labor and management to conform to national economic interests as being at odds with the provisions of Convention 98 on the Right to Organize and Bargain Collectively.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor. There are no reports of forced or compulsory labor.

d. Minimum Age of Employment for Children

The minimum age for employment is 12 years (which is also the age at which a child has completed compulsory education). The law permits children between the ages of 12 and 16 to work up to 6 hours a day with 1 hour of rest but prohibits them from working after 10 p.m. or from engaging in certain forms of dangerous or heavy labor, such as mining. There is considerable evidence, however, that underage children continue to perform full-time jobs, particularly in rural areas. Growing numbers of urban children are also working as families are forced by economic necessity to increase their sources of income. Newspaper articles in both the progovernment and opposition press have charged that several million children may be working full-time in violation of the labor law. Informal private sector workshops and cottage industries appear to be the main urban users of child labor. Representatives of both government and labor argue that such unregulated industries cannot be supervised. It is also the case, however, that larger private textile factories also employ large numbers of young girls, who may work up to 12-hour shifts. No consistent attempt is made to enforce the law regarding child labor.

e. Acceptable Conditions of Work

Employers are required by law to provide acceptable terms and conditions of employment for their workers. Working conditions are discussed between union representatives and management in public sector companies. The minimum wage of approximately \$10 a month is low but is part of a social contract which includes generous government subsidies of foodstuffs and other basic necessities. Within the local context, most workers are able to maintain a decent standard of living for themselves and their families. The minimum wage law is enforced where government labor inspectors have access, but there are enclaves of labor activity, especially in the rural areas, where government inspectors have no access. The regular workweek is fixed at 48 hours for factory workers. Many workers increase their incomes by working overtime or at second jobs.

Employers are legally required to meet worker safety and health norms, which are modeled on the ILO's suggested

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standards. There are special provisions for women workers, including generous maternity leave. Employers who violate wage, hour, and safety and health provisions face civil and criminal penalties. Labor inspectors enforce these provisions with varying degrees of success. Employers are seldom prosecuted, but reliable sources confirm that the courts occasionally impose fines on offending companies. The worst violators of the legal provisions on conditions of labor are small workshop owners in the informal sector whose operations are not subject to supervision or inspection.

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India, a secular republic, is the world's largest democracy. Its multiparty political structure is a composite of Indian political traditions and aspects of the British parliamentary system. Free elections are held regularly at national and state levels. National elections held the last week of November resulted in the replacement of the former Congress (I) Government with a minority National Front Government supported from outside by rightwing and leftwing parties. Prime Minister V.P. Singh's National Front holds 26 percent of seats in the Lok Sabha (lower house) against 36 percent held by former Prime Minister Rajiv Gandhi's Congress (I) party. The National Front holds 17 percent of the seats in the Rajya Sabha (upper house) against 56 percent held by Congress (I). Congress (I) still controls the legislatures of 14 of the 25 states and participates in the ruling coalition of 2 more. The National Front controls the legislatures of 4 states. State Assembly elections in 10 states are due in early 1990. By the end of 1989, "President's rule" (direct rule from New Delhi) was in force only in the state of Punjab.

The internal security apparatus includes both national and state-controlled paramilitary and police forces. While the 25 states have the primary role in maintaining law and order, the central Government has responsibility for protecting the fundamental rights guaranteed under the Constitution, both in law and practice. The Union Ministry for Home Affairs controls the nationwide Indian Police Force, the paramilitary forces, and the intelligence bureaus. The state governments control their own police forces, the provincial armed constabularies, and some specialized police forces. Over the past four decades since India's independence, control of law and order operations has moved increasingly under the Home Ministry. This tendency stems in part from the rapid growth of the intelligence bureaus, which function with little reference to the state governments, and in part from the increased use of paramilitary forces against armed radicals in disturbed areas. These forces are deployed in the northeast states, Punjab, and Kashmir.

In India's mixed economy, agriculture, nonfinancial services, consumer-goods manufacture, and some heavy industry are private. The states or the central Government own and run banking and insurance, air and rail transport, public utilities, and key heavy industries. Regulation of private economic activity is being relaxed, but resource and balance of payments constraints pose problems for rapid deregulation. India's 800 million population is growing at over 2 percent annually. According to a 1989 United Nations Children's Fund report, 40 percent of the urban population and 51 percent of the rural population live below the poverty level.

Positive human rights developments during the year included the release of most Golden Temple detainees from Jodhpur jail; the release of a number of prominent Sikh political figures who had been held in detention for several years without trial; the lifting of restrictions on travel by foreigners to Punjab; the peaceful holding of national elections in Punjab; and the initiation of negotiations between Bodo revolutionaries and the Government. At year's end, the new Government initiated several positive human rights measures that demonstrated a willingness to seek a negotiated solution to the Punjab crisis. India is a basically democratic polity with strong and legally sanctioned safeguards for individuals, a vigorous free press, and action-oriented voluntary

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organizations. Nonetheless, significant human rights abuses, many of them generated by severe social tensions (including casteism and often violent ethnic, sectarian, linguistic, or tribal communal politics), remained. The severity of human rights problems varied considerably from state to state. Problem areas included: extrajudicial "encounter" killings by the police (see Section 1.a.), particularly in Punjab and Andhra Pradesh; incommunicado detention for prolonged periods without charge under antiterrorist laws; torture and deaths of suspects in police custody; lack of prosecution of police accused of abusing and raping detainees; uneven implementation of laws affecting women's rights; the increase of "dowry deaths" (wife murder); the significant exploitation of indentured and child labor; separatist terrorism in Punjab and Kashmir; and unchecked intercaste and communal violence, notably in Bihar.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The Government does not condone political killing, and stringent law and order policies were pursued, particularly in the states of Punjab and Kashmir and in the northeast, to curb political or communal violence. On the other hand, local political leaders in various parts of India were often involved openly in communal or caste-related violence that resulted in killings.

Law and order in the Indian system is primarily each state's responsibility. The willingness of authorities to institute judicial proceedings in cases of politically related violence and the evenhandedness of the police, however, vary from state to state. While the Government enhanced law and order measures in some areas in the face of violent radicals or communal tensions, human rights groups in India continued to attribute political and extrajudicial killings to the suppression of legal safeguards contained in security laws and the failure to institute criminal proceedings against police personnel accused of misdeeds. Critics have accused the police throughout India, particularly in the northeast, Andhra Pradesh, and Punjab, of staging fake "encounters" with terrorists to cover up deaths in detention and of wrongly attributing causes of deaths of persons in police custody. Such killings are so widespread that the Human Rights Watch and the Lawyers Committee for Human Rights, in a report issued in 1989, characterized them as constituting a "pattern of extrajudicial killings." No security officials, as far as can be ascertained, were convicted of "encounter" killings or deaths in custody during 1989.

Punjab remained the most intractable of India's ethnic regional problems. While complete government statistics are unavailable, the press reported fewer deaths by separatist terrorists in Punjab in 1989 than the previous year; human rights observers, however, believe the figures may in fact be higher than the 1988 figures. Press statistics compiled from January to late September show 1,255 deaths by terrorist violence, 595 terrorists killed, and 1,584 arrested. In addition, 89 security force deaths were recorded. The Government reported that, in the 6 months ending June 1989, 564 persons had been killed as a result of terrorist violence,

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336 terrorists killed, and 1,593 arrested. Most central security forces in Punjab are non-Sikhs; the majority of state police are Sikhs, as are the militants. Most victims of the violence are unarmed Sikhs, although a number of Hindu civilians have also been caught in crossfire.

In the 6 weeks following the January 6 execution by hanging of Kehar Singh, convicted of conspiring to assassinate Indira Gandhi, 169 persons were killed in Punjab, including 12 persons hanged to death by terrorists, according to a government statement. Prominent politicians killed by terrorists in 1989 include Rajinder Kaur, the leading woman political figure in Punjab. In June terrorists shot and killed 19 members of a militant Hindu group who were meeting at a park in the Faridkot district. Two security personnel were killed in a subsequent bomb explosion at the site.

In Punjab, separating deaths caused by politically motivated terrorists from deaths as a result of common crime is difficult, because neither the press nor the Government makes a careful distinction between the two. Police at the local level have been accused by critics of subsuming common crime under terrorist crime to avoid or delay investigations of police actions. The Government publicly admitted that police officials in the most terrorist-prone districts have been heavyhanded.

The Government announced it was taking steps to prosecute those involved in the anti-Sikh riots centered in New Delhi that followed Mrs. Gandhi's assassination in October 1984, in which an estimated 3,000 persons died. Formal charges were filed against 2,300 persons in 225 cases. More than half of these cases remain before the courts. In the 11 cases decided, 80 persons were sentenced to prison, 6 for life. Critics charge, however, that the principal instigators of the riots are protected from prosecution by their high political office and that none of those arrested were major figures in the anti-Sikh rioting.

Political militancy in India's only Muslim majority state, Kashmir, rose markedly in 1989. In mid-1989, two major terrorist organizations, the Jammu and Kashmir Liberation Front (JKLF) and the People's League, began killing moderate politicians, including three major political figures. In December the JKLF kidnaped the medical-student daughter of the new Home Minister and only released her when five jailed Kashmiri militants were released in exchange. Terrorists also stepped up use of bombs in public places. The militants' grievances had both political and economic roots. Augmented powers given to the police aimed at controlling the violence appeared instead to escalate it. In August paramilitary troops entered the Jama Masjid, Srinagar's largest mosque, after they were allegedly shot at by militants who fled into the mosque complex. According to journalists, four people were killed in the shooting that ensued. Press reports indicated that about 150 of those arrested remain in interrogation centers. On August 27 in Leh, Kashmir state, police opened fire on a crowd of rock-throwing Buddhists agitating against the state government's administration. Three local people were killed and two dozen wounded.

In the eastern state of Bihar, communal and intercaste killings continued, despite state deployment of paramilitary forces. In April in Hazaribagh, Bihar, at least 19 people were killed after a religious procession inflamed communal

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tensions. Press reports cited Bihar police complicity in attacks by Hindus on Muslims. On July 18, the government of Bihar rejected a demand for a judicial inquiry into the Hazaribagh riots.

In late October, processions of Hindu fundamentalist groups in Bhagalpur, Bihar, triggered communal violence that resulted in hundreds of casualties over the following days. Official figures give the death toll as 404, but press figures indicate over 1,000 bodies were found in Bhagalpur and 150 surrounding villages. For 3 days, until the Army took over, the violence continued while local, overwhelmingly Hindu police stood back. At nearby Chandeli village, nearly 100 Muslims believed to be under police protection disappeared overnight. Press sources report the villagers were murdered by criminal elements and their bodies thrown into a river. At least 25 bodies were found in the village well. In the wake of the killings, 35,000 persons were evacuated to relief camps. A citizens' group filed a writ petition in the Patna high court accusing the superintendent of Bhagalpur police of failing to use the police to protect the victims. The superintendent of police was transferred. The Chief Minister of Bihar announced on December 16 that two high court judges would run special courts to deal with the 500 criminal cases registered by victims of the Bhagalpur riots. In addition, a commission of inquiry has begun work to probe the killings.

Links between politicians, criminal gangs, and landlords prevail in rural areas of such states as Bihar, where "senas" (private armies) and local police are used to resist demands for social and economic reform. In central Bihar and in a few tribal areas, some "Naxalites" (a loosely applied term for several leftist militant groups) joined the electoral process through association with the Indian People's Front (IPF). This contributed to a lessening of violence. The IPF won one seat in the Lok Sabha in the November national elections. The Bihar police confront a difficult situation in which political violence and counterviolence are commonplace. Police personnel implicated in excesses are rarely identified or brought to justice.

In Assam, to the northeast, where ethnic and communal rivalries continued to fester, the United Tribal Nationalists Liberation Front (UTNLF) in September called for a judicial inquiry into the massacre of 29 tribal people at Borkajuh. The UTNLF claims the killings were planned by nontribal criminal elements in connivance with local police. The judicial inquiry was rejected, and the results of an official investigation were not released by year's end.

Throughout the year, violence broke out as nontribal Assamese encroached on Bodo tribal lands. The All Bodo Students' Union (ABSU), agitating for a separate state for the plains tribals of Assam, was accused of calculated killings of nontribals, including functionaries of the ruling Asom Gana Parishad. The ABSU denied involvement. Strong police countermeasures resulted in the killing of an unknown number of Bodo civilians, many of whom reportedly had nothing to do with the agitation. No charges have been lodged in the deaths.

Tripartite talks initiated on August 28 in New Delhi between the Indian Government, the ABSU, and the Assam government reached agreement on several issues. A panel was appointed to look into the grievances of the Bodos in Assam. The state

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began to release 1,500 detained Bodo militants (the ABSU claims 5,000 Bodo militants are in detention) and announced a policy of "minimum force" against the militants as a measure to normalize the situation. The militants have responded by suspending their agitation.

Politically motivated killings showed an upward trend in West Bengal. The Director General of West Bengal police is reported to have said that almost all major political parties are involved in the violence.

The largest riot in western India occurred in February in Bombay, Maharashtra, over Salman Rushdie's book "Satanic Verses." Though the Government had banned the book to avoid violence, young male Muslims took to the streets, destroying property. The police restored order at a cost of at least 12 dead and over 100 injured. The Chief Minister and media commended the police for preventing further violence.

In the southern state of Andhra Pradesh, police and Naxalites continued to engage in violence and counterviolence. The most militant of the Andhra Naxalites, the People's War Group (PWG), escalated its attacks on rural state government functionaries in 1989. In June it kidnaped and subsequently murdered a popular official of the ruling Telegu Desam Party (TDP) in retaliation for the detention and disappearance of two PWG members. At the same time, the Andhra Civil Liberties Committee, a private group, accused the police and the TDP of staging over 200 fake "encounters" with Naxalites to cover up deaths in police custody. In June the state government, in an effort to reduce violence, declared a virtual amnesty for Naxalites who surrendered to state authorities. Approximately 240 took advantage of the Government's offer, although the hard-core Naxalite strength remained intact.

In Madhya Pradesh in October, a procession of about 30,000 Muslims celebrating the birth of Mohammed turned violent, leaving more than 50 persons dead. The communal rioting in the city of Indore razed a portion of the Hindu commercial center and several nearby Muslim ghettos.

b. Disappearance

Indian law provides safeguards against disappearance by requiring an arrested person to be brought before a magistrate within 24 hours of arrest. These safeguards are not always applied in practice. In addition, they do not apply to persons arrested under national security laws. The right to judicial determination of the legality of the detention can be sought from the higher courts to redress unlawful detention but is often unavailable to the families of poor or uneducated victims. Reports of disappearance in Punjab and elsewhere remain difficult to investigate because access to independent observers is severely restricted. Amnesty International (AI) stated in a July 1989 report, "India: Some Recent Reports of Disappearances," which covered 1987-88, that disappearances in India are frequently not reported. The report noted that several dozen cases remain unresolved.

A May editorial in a national daily noted frequent reports in Punjab of young men being arbitrarily detained, interrogated under duress, and held incommunicado for weeks at a time without notification of relatives. The AI report on disappearances cited the case of Manjit Singh and Jatinder Pal Singh, arrested by plainclothesmen in Mohali, Punjab, in early

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January and subsequently seen in detention at the end of the month by other detainees. Police informed relatives that the two were not in police custody; persistent attempts to establish their whereabouts have yielded no information to date.

In January 1989, the U.N. Working Group on Enforced or Involuntary Disappearance recorded it had informed the Indian Government of 33 cases of disappearance, many of which concerned the May 1987 events in Meerut, Uttar Pradesh, in which 80 unarmed men, women, and children were killed. The state paid compensation to the families of 13 of the victims of the killings, but officials continue to deny that the Provincial Armed Constabulary was responsible for the deaths and refused to publish the findings of the official inquiry into the deaths and disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel treatment or punishment are prohibited by law in India. Confessions or information extracted by force cannot, by law, be admitted in court. Significantly, however, under Section 15 of the Terrorist and Disruptive Activities (Prevention) Act (TADA) of 1987, a confession made to a police officer is admissible in evidence, provided the police have "reason to believe that it is being made voluntarily." The frequent press accounts of police brutality in obtaining confessions from detainees under this law have fed widespread charges of police excesses.

The press and human rights groups continued in 1989 to document allegations of abuse of detainees by police in many Indian states. In its 1989 Report, covering 1988, AI referred to widespread reports of torture in India and noted that in a few cases the courts had granted compensation to torture victims. The Minister of Home Affairs reported March 9 that five persons had died in police custody in Delhi in the previous year. He said that in at least one case police officials, including the station house officer, were found responsible for causing injuries that resulted in the detainee's death. The case was pending trial in the court at year's end. He also stated 13 cases of beatings of detainees by police personnel in Delhi had been reported during the current year. In one case, a policeman was transferred to a nonsensitive post, and, in another, three policemen were placed under suspension.

The Association for the Protection of Democratic Rights reported a number of lockup deaths in the state of West Bengal (19 in 1988). In Bihar, there were 50 such deaths in the past 4 years. Since the majority of those allegedly killed belonged to poor or socially backward sections of society, without political affiliation, their deaths did not raise a public furor. Following the death in Hasnabad jail on June 3 of an active Communist Party member under indictment, the officer-in-charge of the Hasnabad police station was arrested on charges of murder, then released on bail. By year's end, he had not yet been brought to trial.

In the northeast, the police and paramilitary have been accused of torturing suspected radicals in Assam. Under the Armed Forces (Special Powers) Act in force in the northeast, security personnel are not held accountable under civil law for their acts. In the state of Manipur, AI expressed concern

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over continuing police intimidation and torture of witnesses and a lawyer now involved in court hearings. The court is examining evidence about earlier allegations of torture and reprisal killings by members of the paramilitary Assam Rifles, who deny all allegations.

Scheduled castes and tribes (the lowest levels of Indian society, listed on "schedules" to receive special protections and safeguards under the Indian Constitution) are particularly vulnerable to police violence. A report in July by the People's Union for Civil Liberties estimated that approximately 90 villages in Bastar, Madhya Pradesh, were raided from 1985 to May 1989 by armed police. The report states the tribal possessions were looted, villagers killed, and over 250 persons detained. There have been numerous allegations of the mass rape of female members of the scheduled castes and tribes by the police. An officer accused of such actions is rarely tried but more commonly is suspended temporarily or reassigned to another post. In May the All Bodo Students' Association claimed that about 100 tribal women, including teenage girls, were gang-raped by Assam police. The Bodo People's Action Committee submitted a complaint to the governor, but there was no official inquiry and no arrests.

Press reports about prison conditions include charges of sexual abuse of prisoners and the use of prisoners by prison officials for domestic labor. At least 20,000 children and youngsters under 18 years old are reported to be in jail, comprising nearly one-eighth of the prison population. Although Parliament passed the Children's Law in 1960 to safeguard young prisoners against abuse and exploitation, most states have not followed suit with their own laws to implement it; consequently, nearly 40 percent of the 390 districts in India are without a children's law. The Supreme Court has criticized the states for not providing separate facilities for children in jails and for not constructing reformatory institutions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that an arrested person be informed of the grounds for arrest, given the right to be represented by counsel, and produced before a magistrate within 24 hours of arrest. At this initial appearance, the accused must either be remanded for further investigation or released. These provisions have been upheld by the Supreme Court and are generally respected.

Despite such legal safeguards, there were continuing reports in 1989 of arbitrary arrest or detention. A well-known human rights activist, Dr. K. Balagopal, General Secretary of the Andhra Pradesh Civil Liberties Committees (APCLC), was abducted in August by plainclothesmen, reportedly as a hostage for two policemen held by the People's War Group. Indian press reports commented that his arrest was prompted by the prominent role he played in the APCLC exposure of police excesses. Dr. Balagopal was released several days later, following a public outcry. He stated he had been held by the Special Task police forces but was not brought before a magistrate or charged.

The Constitution permits the enactment of preventive detention laws in the event of threats to public welfare and national security. Such laws provide for limits on the length of

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detention (up to 2 years) and for judicial review of such detention. Several laws of this type remain in effect.

The National Security Act (NSA) permits detention of security risks; police anywhere in India can charge suspects under NSA provisions. For a detainee to be released under this law, a court must determine that all grounds for detention are invalid. Under the NSA's strong special and preventive detention provisions, a person may be detained for up to one year without charge or trial (2 years in Punjab) on loosely defined security grounds, but must be brought before a Defense Ministry advisory board within 7 days of arrest; at this time the detainee may be released on the basis of "insufficient grounds." No official figures were available on the number of people in detention under NSA provisions in 1989. Human rights groups claim that no accurate record is kept of the many people held without charges, so they have no way of making accurate estimates of the numbers of persons in detention. A large number of detainees were, however, released in 1989.

The TADA, though enacted to fight terrorism in Punjab, is applicable throughout India. Fourteen state governments currently have invoked the TADA. In designated areas, incommunicado detention is permitted pursuant to the TADA. The Act permits maximum detention of 2 years but also provides the right of review and access to legal counsel. The Home Minister announced that between the Act's institution in 1987 and March 1989, 7,969 persons had been arrested under the TADA in Punjab. Following application of the TADA to Gujarat in 1987, 4,491 people were arrested under the Act through June 1989. As with the NSA, accurate estimates for all detentions under the TADA are not available.

In early March, the Prime Minister proposed a special package of measures to help normalize the political situation in nine districts of Punjab. The package included the release of the 187 remaining detainees held in Jodhpur jail since 1984 on charges of waging war against the State. Seventy-eight were subsequently rearrested on criminal charges; 4 remained in jail at the end of 1989. In addition, the Government announced the withdrawal with respect to the nondisturbed areas of Punjab of the special detention provisions of the National Security Act and the removal of restrictions on travel by foreigners to the region. Before leaving office, Gandhi ordered all charges to be dropped against S.S. Mann and three others accused of conspiracy in the assassination of former Prime Minister Indira Gandhi. (Mann had spent 5 years in detention awaiting legal action on earlier charges of subversive activities.) At the same time, former Punjab Chief Minister P.S. Badal and the president of a major Sikh political-religious organization, G.S. Tohra, were also released after several years in detention. In one of his first acts after taking office, Prime Minister V.P. Singh paid an informal visit to the Sikh Golden Temple in Amritsar along with senior members of his Cabinet to indicate that resolving Punjab tensions is a high priority for the new Government. He followed up with an all-party meeting of leaders across the political spectrum aimed at shaping a national consensus for a political solution to the Punjab situation.

The Lok Sabha of the Parliament voted on December 28 to repeal the controversial 59th Amendment to the Constitution. The opposition voted with the Government, and Raja Sabha approval is likely to follow quickly. The amendment had annulled the

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Constitution's guarantees of the right to life and liberty during an emergency and permitted President's rule in any state for up to 3 years without prior parliamentary approval. Exile is not practiced as a punishment in India.

With regard to forced or compulsory labor see Section 6.c.

e. Denial of Fair Public Trial

The Indian Criminal Procedure Code provides for open trial in most cases but allows the judiciary, under certain circumstances, to hold closed proceedings. Such circumstances include proceedings involving official secrets, trials in which statements prejudicial to the safety of the State might be made, or trials under provisions of national security legislation such as the TADA. Sentences must, however, be announced in public.

India's legal procedures generally assure a fair trial, but the process can be drawn out and inaccessible to the poor. Defendants have the right to choose counsel from an Indian bar that is fully independent of the Government. The Indian bar has a record of vigorously protesting infringements of human rights. Effective appeal channels exist at all levels of the judicial system.

The judiciary is independent from the executive branch. Judges are selected by the Law Ministry following consultations with the Chief Justice of the Supreme Court. Some aspects of personal law, such as marriage, divorce, succession, and child custody, are regulated by the traditional laws and practices of the Hindu, Muslim, Parsi (Zoroastrian), Christian, and Jewish religions. The Government's declared policy is not to interfere in the personal laws, particularly of the minority communities, with the effect that discriminatory personal laws, often against women, are upheld.

The Terrorist Affected Areas (Special Courts) Act of Parliament (TAAA) permits the establishment of special courts sitting in camera and allows the identity of witnesses testifying before a special court to be kept secret. Under an unusual provision of the TAAA, a defendant charged with "waging war" carries the burden of proving his innocence. Civil rights groups charge that these special rules are contrary to the presumption of innocence customary in Indian law.

In 1989 the judicial authorities in Punjab failed to bring to trial a number of alleged terrorists who had been charged, as well as some police offenders. As justification for continued detention, Government officials claim they are unable to find witnesses to testify against terrorists.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Indian law, warrants are normally required for searches and seizures. In a criminal investigation, police may conduct searches without a warrant if obtaining a warrant would cause undue delay, but they must justify such searches in writing. Under the Disturbed Areas legislation, the authorities continue to have special powers in Punjab to search and arrest without a warrant and to shoot to kill under certain circumstances. They have also been granted a significant

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expansion of telephone surveillance powers.

Surveillance of communications, including tapping of telephones and intercepting personal mail without judicial warrant, is authorized under the Indian Telegraph Act "on the occurrence of any public emergency or in the interest of the public safety or tranquillity." These powers have been used by every state government, generally in a low-key manner and specifically, rather than generally, targeted. The Postal (Amendment) Bill, passed by Parliament but never signed into law, empowers the Government to censor mail in certain circumstances, such as in a public emergency. At year's end, the new Government promised to withdraw the Postal Bill.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free speech and expression are protected by the Constitution, and newspapers vigorously reflect a variety of public, social, and economic beliefs. The Government controls the allocation of newsprint and the placement of Government and public sector advertisements, however, and has been accused of using these means to exert influence over the press. National television and radio, which are government monopolies, are frequently accused of manipulating the news to the benefit of the Government. At year's end, the Government announced it will introduce legislation to give statutory autonomy to radio and television.

Under the Official Secrets Act, the Government can restrict publication of the most sensitive security stories. Several major national publications regularly publish investigative reports and allegations of government wrongdoing, and the press as a whole champions human rights causes and criticizes perceived government lapses. At year's end, the Government said it will amend the Official Secrets Act to give people greater access to information.

An event widely perceived as threatening press freedom was the Kashmir government's effort in August to enact the "Special Powers (Press) Bill, 1989." Concerned about growing violence and press coverage of terrorists, the state government claimed that the bill was necessary to prevent the press from publishing secessionist writing in the state. The bill would give power to the state assembly "to regulate and control printing and publication of certain materials in the interest of public order and the security of the State," with penalties of up to 1 year in prison and stiff fines. The bill was passed by the State Assembly in August, but action by the second house, the State Legislative Council, was deferred following strong public criticism. The proposal was referred ultimately to the Press Council for its recommendations. In October the state government withdrew the bill, accepting the Council's view that the government had sufficient powers to deal with cases of objectionable writing.

Journalists in Bihar have had a running feud with the local police, whose misdeeds they attempted to bring into the open. In July the Dhanbad police allegedly beat up members of the press after charging them with offenses ranging up to "attempted murder." The journalists were produced handcuffed in court, and those sent for medical treatment were shackled to their hospital beds. All were subsequently released by order of the Bihar Chief Minister. A 2-day bandh (strike)

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organized in August in protest succeeded in focusing public attention on police ill-treatment of the journalists.

In Punjab there have been occasional reports of journalists being harassed and intimidated by terrorists, local leaders, and special interest groups. Several vendors of the Hind Samachar group of publications were killed by terrorists who objected to the group's editorial policies which condemned extremism.

Films are reviewed by the film censorship board before being licensed for distribution. The board deletes material deemed offensive to either public morals or religious or communal sentiment.

b. Freedom of Peaceful Assembly and Association

The Constitution protects the right of peaceful assembly and the right to form associations. These rights are respected. Government authorities sometimes require permits and notification prior to permitting parades and demonstrations. At times of civil tension, local governments can ban public assemblies and impose a curfew. Ordinarily, local governments respect the right to protest peacefully, including such traditional Indian forms of protest as "gherao," in which an official or his office is surrounded by protesters who allow no movement, and sitdowns blocking public thoroughfare.

In Sukinda Valley, Orissa, mine workers of the largest chrome ore deposit in Asia have alleged police harassment of their peaceful protests against mechanization. AI has expressed concern with regard to the situation of those workers.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

India remains a religious mixing bowl, with all faiths enjoying freedom of worship. Government policy does not favor any religious group. Nevertheless, communal tensions over religious differences continue to be a social problem and pose challenges to the secular nature of the Indian polity. For example, the Bombay-based Shiv Sena has made militant Hinduism its only political plank.

There is no bar to proselytizing by Indian Christians, but the Government limits the number of foreign missionaries and laws in some states discourage them from openly proselytizing. In Bihar, confrontations have persisted between Christian missionaries and Hindu fundamentalists. Indian religious organizations may maintain communications with coreligionists abroad. Financial contributions from abroad are subject to scrutiny and licensing by the Ministry of Home Affairs.

Despite laws in various states removing obstructions to the exercise of religious freedom, Harijans (the lowest, formerly "untouchable," level of Indian society) are still prevented from entering Hindu temples in some areas.

The Religious Institutions (Prevention of Misuse) Ordinance makes it an offense to use any religious site for political purposes or the use of temples for harboring persons accused or convicted of any crime. While specifically designed to deal with Sikh places of worship in the Punjab, the ordinance

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technically applies to all religious sites. In general, the Government has been careful to avoid placing restrictions on Sikh religious practices or on the management of Sikh places of worship.

A full bench of the high court in Lucknow, Uttar Pradesh, has been called to decide five suits relating to the Ram Janmabhoomi-Babri Masjid dispute, which centers on whether Hindus can build a temple on a sacred site where a Muslim mosque now stands. Court proceedings over who rightfully controls the disputed site were continuing at year's end. Prime Minister V.P. Singh placed a settlement, either judicial or negotiated, as one of his Government's highest priorities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Indian citizens enjoy full freedom of movement within the country, except in certain border areas where, for security reasons, special permits are required. Foreign travel and emigration are without political restrictions. Millions of people of Indian origin live abroad. Foreigners (including diplomats) must obtain special permission to visit Assam and other sensitive border areas. In March Prime Minister Gandhi reopened Punjab to foreigners in general. (It had previously been open to accredited foreign journalists.)

India admitted millions of refugees and displaced persons at the time of partition in 1947 and granted them citizenship, integrating them fully into Indian society. Subsequent migration to India has largely been the result of upheavals in nearby countries, and some of the refugees in these migrations have not been granted citizenship or fully integrated. In some cases, both the refugees and their hosts consider their stay temporary, although it may be for a long time.

The most recent migrations have been of Chakmas and other tribals and nontribals from Bangladesh (estimated at about 70,000 by the Government) into the northeastern states, especially Tripura, and Tamils from Sri Lanka into Tamil Nadu. Chakmas who have been offered the opportunity to return to Bangladesh have generally chosen not to do so, despite reports of scarce resources in the camps located in Tripura. Elsewhere in the northeast, the Assam state government is committed to identifying "foreigners" who have entered that state from neighboring Bangladesh with a view towards repatriating them, though to date it has forced few to leave.

Tamils from Sri Lanka in Tamil Nadu are provided shelter and subsistence by the Government. The 1987 accord between India and Sri Lanka, aimed at settling the Sri Lankan ethnic conflict, calls for repatriation of these refugees. Under the repatriation scheme, some 40,000 refugees were returned to Sri Lanka by 1989; another 12,000 are estimated to have returned on their own. Over 80,000 are still in India, however, according to the Minister of State for Home Affairs. There are reports of a renewed flight of some Tamils to India now that agreement has been reached for a staged total withdrawal of the Indian Peacekeeping Force (IPKF) from northeast Sri Lanka. These Tamils fear that disorder will follow the departure of the IPKF.

Several thousand Afghans have entered India since the Soviet invasion of Afghanistan in 1979. Many have been resettled elsewhere, outside India. In 1989 the refugee population more

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than doubled when fears of war in Kabul impelled Afghans to leave for India after the Soviet withdrawal. About 5,000 currently are being protected and assisted by the U.N. High Commissioner for Refugees (UNHCR).

In addition, nearly 2,000 Iranian refugees are under the UNHCR's protection. Many were studying in India when the Iranian revolution came in 1979, but most had either arrived from Iran on tourist visas or fled on fraudulent documents to join Zoroastrian, Baha'i, or Christian communities in India. Although India is not a signatory to the U.N. Convention and Protocol Relating to the Status of Refugees, the Government allows the UNHCR to operate normally, grants the refugees renewable residence permits, and otherwise behaves as a signatory.

India continues to provide humanitarian assistance and protection to the large Tibetan refugee communities in Himachal Pradesh, Karnataka, and elsewhere in India, whose members number in excess of 90,000.

There are reports that the Government, after initially offering sanctuary to Burmese students fleeing the political turmoil in Burma in 1988, may have subsequently deported some of the refugees. Many have returned voluntarily, but the border is porous and access to the border area is restricted, making it difficult for observers to assess the present situation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

India is governed under a complicated but democratic parliamentary system. The Constitution provides for full adult suffrage; the voting age was lowered from 21 to 18 in 1989. Elections are held regularly, involving multiple parties. A parliament can be constituted for not more than 5 years, except under constitutionally defined emergency situations.

On the advice of the Prime Minister, the President can declare President's rule, or a state of emergency, in any state in the event of war, external oppression, internal disruption, or collapse of the constitutional machinery in the state. Under President's rule, the central Government, through the Parliament and the President, directly administers the state by replacing the elected state government with an appointed governor. President's rule is for 6 months and must give way to new elections, unless it is extended by Parliament for an additional 6 months. In 1989 Tamil Nadu, Mizoram, and Nagaland held state elections and are no longer under central control. In August the Government declared President's rule in Karnataka, where the ruling opposition party lost a significant part of its support in the state assembly; central control ended following state elections held in November.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The central Government, while tolerant of dissent within India, is sensitive to international allegations of human rights violations. India's ambassador to the United States stated in May that, "as a sovereign and democratic nation, India cannot permit investigations by foreign governments or

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organizations into any aspect of her domestic affairs." Despite the reopening of Punjab to foreigners, AI representatives continue to be denied permission to investigate human rights problems there. In September India invited a U.S. congressional delegation to visit Punjab for first-hand information on human rights.

In its 1989 Report, covering 1988, AI said that it had informed the U.N. Special Rapporteur on Torture and Special Rapporteur on Summary and Arbitrary Executions of its concerns regarding India and that its reports were also submitted to the Indian Government but that it had not replied. The Indian Government stated in March that it was examining AI's report on human rights violations in Bihar; various incidents of alleged human rights violations were being investigated, and appropriate action has been taken by the law enforcement agencies, according to the Government spokesman. Also in March, then Minister of State for External Affairs Natwar Singh reacted publicly to the State Department's 1988 Human Rights Report on India to the U.S. Congress, stating that the Government does not accept the veracity of all the Report's findings.

Independent Indian human rights organizations are active and vocal. They include Citizens for Democracy, the People's Union for Civil Liberties, the People's Union for Democratic Rights, and the Indian People's Human Rights Commission, all of which send out teams to study specific allegations of human rights abuses and publish reports on their findings.

India is a member of the U.N. Human Rights Commission. It will host the World Congress on Human Rights in April 1990, the first time the conference will be held in Asia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Several provisions in the Constitution promise equality before the law and prohibit discrimination on the basis of gender. Legally sanctioned gender discrimination is manifested, however, in various family, marriage, and inheritance laws. In recent years, several changes have been made in personal, criminal, and labor laws governing women, including the Dowry Prohibition Act, the Equal Remuneration Act, the Prevention of Immoral Traffic Act, and the Sati (Prevention) Act. Deeply rooted traditions, often tied to religious or social practice, mean, however, that these laws are unevenly enforced (more enforced in urban areas, less in the countryside). An estimated 80 percent of India's women for whom these laws are designed live and work in the rural areas. According to a government-sponsored report by the National Commission on Self-employed Women ("Shramshakti"), most rural women are employed as agricultural labor in the unorganized sector, where they are vulnerable to exploitation. Traditional practices relating to asset and land ownership give women little control over land use, retention, or sale. The Hindu Succession Act provides equal inheritance rights for Hindu women, although in practice married daughters are not always given a share in parental property. Inheritance rights for Muslim women are regulated by traditional Islamic law, which provide less than what a male heir would receive; in practice, women seldom get even that portion. Under the tribal land system, notably in Bihar, tribal women do not have the right to own land; the practice of putting women to death there as "witches" is closely linked to the denial of property rights.

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Female bondage, forced prostitution, child marriage, and relative neglect of female children still remain common in parts of Indian society.

The Government has under consideration a draft National Perspectives Plan for Women whose main objectives would be to remove gender bias in the law. Among other proposals, it suggests more emphasis on the training of women and includes recommendations on matrimonial property issues.

Women's rights groups point out that the burden of providing an adequate dowry for girls is a factor in making female births less desirable to the parents. There is some evidence that female infanticide may be practiced in some sectors of the society. Health care and nutrition for female infants tends to be of a lower priority than for boys. The marked disparity between the lower mortality rates of male versus female infants in the 0-5 age group has resulted in the unusually low ratio in the Indian population of 933 females per 1,000 males (the ratio varies considerably among the states).

An Indian government study shows that violence against women, including molestation, rape, kidnaping, and wife murder, has followed an upward trend in the past decade. This may be due, in part, to growing consciousness by women of their legal rights so that more report crime. The claim that dowry deaths (usually by burning) of young married women result from their inability to meet their husbands' families' property demands has been challenged by women's rights groups, who state that insufficient dowry is often used as an excuse for societally condoned violence against married women. Dowry crimes are a complex issue involving attitudes of parents to daughters, the social and economic status of women, defects in the law, and the failure of police to implement existing law. Figures given in the lower house of Parliament in July 1989 indicate that between 1986 and 1988, registered cases of dowry deaths nearly doubled, from 1,319 to 2,152, despite the strengthening of the Dowry Prohibition Act. The actual total may be substantially higher as much domestic violence goes unreported or is not registered by the police, according to women's groups. By law, every unnatural death of a woman which occurs in the first 7 years of marriage must be investigated by the police and a magistrate. However, a member of the Indian police on the Union Public Service Commission stated in March that about 95 percent of registered cases of dowry death end in acquittal as corrupt police and medical officers tamper with crucial evidence.

The "Shamshakti" report notes that 94 percent of Indian women work in the unorganized sector, not controlled by labor laws. In spite of a statutory minimum wage fixed in each state, contractors set their own lower wage when employing women. This is so even though one-third of all households are supported solely by women, while in another third, they make 50 percent of the financial contribution. The report points out that even those women covered by labor laws are not adequately protected because the laws are unevenly enforced.

About 150 women's organizations in India are active in working for social justice and economic advancement of women and in linking women's problems to larger social concerns.

The Government has initiated programs to improve the lot of the lower-caste Hindus who make up 15 percent of the

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population and the tribal minorities who constitute a further 7 percent. The reservation system, whereby lower castes ("scheduled castes," "scheduled tribes," and "other backward communities") are offered preference in areas of employment and admission to educational institutions, attempts to strengthen the legal protection accorded to these underprivileged and often victimized groups. The system has met with limited success. The overall literacy rate among scheduled castes and tribes is 21 percent. The literacy rate among scheduled caste women is much lower; in some regions it is estimated at less than 2 percent.

In some cases, higher-caste communities have mobilized against policies of reserving jobs and other privileges for the disadvantaged, with violence sometimes resulting. Political controversy surrounds the question of whether lower castes, tribes, and classes should be given preference in education, employment, and housing when the program is perceived as threatening the economic position of higher-caste groups. In several states, the system of reservations for disadvantaged groups is manipulated for political gain by local party leaders; preference is sometimes given illegally to persons who are not disadvantaged.

The number of crimes reported against Harijans and tribals was recorded up to 1986 at an annual rate of 15,000 a year, although this figure is low, as most such crimes go unreported. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, adds to the 1976 Civil Rights Protection Act by specifying a new range of offenses and by providing stiffer sanctions and special courts. The Act obligates all states to take actions to prevent atrocities and to restore the feeling of security among the scheduled groups. Such humiliating actions as forced feeding of obnoxious matter, public parading of unclothed victims, forcible eviction from abodes, and denial of access to public places now legally constitute atrocities punishable by a jail sentence of up to 5 years. Economic offenses such as bonded labor and dispossession of lands are also criminalized. Assault against women in the scheduled groups is an offense, as is use of force to affect voting behavior. Special courts are empowered to try cases under the new act.

Notwithstanding legal provisions for their welfare and protection, tribal people are frequently uprooted from forests to make way for various development projects, e.g., dam building, or following flooding, and are not provided with proper recovery assistance.

Minority religious groups continue to charge that they are victims of discrimination. Terrorist actions have increased violence and distrust between Hindu and Sikh communities in Punjab. Although they are treated equally under the law, Sikhs, particularly young males, continue to be subjected to more rigorous security precautions than others in certain circumstances.

Section 6 Worker Rights

a. The Right of Association

Indian workers have the full constitutional right of association as defined by the International Labor Organization (ILO). Indian workers are guaranteed the right to form and join unions of their own choosing, including in export

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processing zones. Trade unions have the legally protected right to strike. Unions represent less than 25 percent of the total of industrial workers. Most Indian workers (estimated at over 70 percent) are in the agricultural sector, traditionally unorganized, although recently trade unions have begun organizing efforts in that sector as well. Indian trade unions are independent of the Government. Most trade unions have some form of ties to a political party, national or local. Nevertheless, trade unions are usually adamant about preserving their formal independence from political parties, and in practice they have been known to differ from their respective political parties on labor-related issues. Major trade union organizations are affiliated with recognized international confederations, such as the International Confederation of Free Trade Unions.

Workers enjoy the right to strike in principle but, under the Essential Services Maintenance Act, the Government can ban strikes and require conciliation or arbitration in specified essential industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this act. The only major industrial strike in 1989 was conducted by the port and dock workers. According to provisional government figures, there were 750 strikes from January to September, accounting for 9.6 million man-days lost. Figures for the last 10 years show the number of strikes and lockouts have been declining.

The ILO's Committee on Freedom of Association (CFA) in early 1989 reported on allegations by a Communist trade union federation that management had incited police and thug repression of union members on Assam tea and plywood estates. Another case, brought by the same complainant, alleging violence against union members in Tripura, was considered by the CFA at its May-June session. The Government, which denied all the allegations, was urged to promote a climate free from violence, pressure, or threats against trade unionists.

b. The Right to Organize and Bargain Collectively

The right to organize (including protection against antiunion discrimination) and to bargain collectively has existed in Indian law for decades. Trade unions carry out these activities independently and without government or, in general, employer attempts to interfere. Police and judicial authorities are generally quick to protect peaceful union activities. However, as noted in Section 2.b., mine workers in Sukinda Valley, Orissa, alleged harassment by the police of their peaceful protests against mechanization.

In addition to the availability of normal civil and criminal courts, a system of specialized labor courts exists to hear and adjudicate labor-related complaints. New legislation seeking to modernize and streamline the bargaining process and the internal organization of unions was introduced in the Parliament in 1988, but, pending consultations with trade union and employers' organizations, it has not been acted upon.

Collective bargaining is the normal means of reaching industrial relations agreements and settling disputes, and trade unions are usually vigorous in defending worker interests in this process. Where collective bargaining fails to establish locally equitable wage levels, the Government may set up tripartite boards, including trade union representation, to determine them. Export processing zones

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exist at several locations in India but are not particularly active at present. Physical access to such zones is ordinarily limited, including to union organizers. Unions do not appear to be active in the zones, but collective bargaining rights apply within them.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by the Indian Constitution, and legislation passed in 1976 specifically bans the practice of "bonded labor." A Supreme Court decision has defined "forced labor" as work at less than the minimum wage (minimum wages are usually set by the states, not the central Government). Under this unique definition, "forced labor" is widespread throughout India, particularly in rural areas. "Bonded labor," although illegal (subject to imprisonment for up to 3 years) and actively opposed by the Government, also occurs in agriculture and construction. It is the result of a private, contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt, plus extensive interest. Since most of these workers are illiterate, these bonds may continue indefinitely, especially if the contractor lends them subsequent small amounts "on account."

The Government estimates, based on reports from the states as of March 31, 1989, that there were 242,532 bonded workers in the country, of whom 218,272 had been "rehabilitated" by government authorities. The Gandhi Peace Foundation, however, estimates the number at 10 times the government figure. Private social organizations, such as the Council for Advancement of Peoples' Action and Rural Technology (CAPART) and Action for Welfare and Awakening in Rural Environments (AWARE), and some trade unions are active in identifying cases of bondage and pursuing them with relevant (usually state) officials. Even with better coordination and greatly increased resources to overcome the complicated jurisdictional division between the state governments and the central Government, the eradication of bonded labor is likely to be slow. ILO committees have also examined the issue of bonded labor and have requested the Government to continue its efforts to put its practices in conformity with ILO Convention 29 on Forced Labor, which India ratified in 1954.

d. Minimum Age for Employment of Children

It has been estimated that one-quarter of the world's child labor is attributable to India, where poverty and the lack of compulsory education make it an especially serious problem. According to a Labor Ministry survey, 1 out of 4 Indian children between the ages of 5 and 15 is working. Government statistics put the total at 17.5 million in 1985. Other figures put it as high as 44 million.

In 1986 legislation was enacted banning the employment of children under 14 in hazardous occupations and regulating their employment in others, and in 1987 the Labor Ministry announced a crackdown in 10 of the most blatantly abused sectors. In 1988 the Parliament's Public Accounts Committee requested that the Government consult with outside experts to set up educational programs for child workers and to change parental attitudes, to carry out "exemplary punishment" of erring employers, and to harmonize the various existing legislative controls on the practice. In 1989 the Prime Minister proposed a special tax on employers of child labor.

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Five hundred new child welfare projects were inaugurated in 1989, including health and nutritional programs. A Small Child Labor Division within the Labor Ministry has been created. Nevertheless, progress has been slow. Some employers of child labor have been openly defiant about continuation of the practice and resisted attempts by the Labor Ministry at enforcement. As in the case of bonded labor, the central Government often points to the division of jurisdiction between the state governments and the central Government in dealing with the practice, and urges private organizations (including trade unions) to do more. Although almost all child labor abuses occur in sectors outside the traditional reach of labor organizations, trade unions have recently become more active in this field, often concentrating on "consciousness-raising" among women workers who work alongside their children. Despite all these efforts, enforcement of existing law appears inadequate to cope with the dimensions of the problem. The 1989 central government budget allowed only \$2 million for all child welfare programs.

e. Acceptable Conditions of Work

While the basic minimum wage, and its enforcement, varies according to the state and sector of industry, most "organized" workers receive much more than the minimum wage, especially when legislatively mandated bonuses and other benefits are included. The prescribed minimum wage in the unorganized sector for Delhi is about \$50 per month for unskilled workers. Daily wage rates for construction workers range from \$1.74 for unskilled workers to \$2.34 for skilled workers. The minimum wage, without bonuses or benefits, is considered adequate only for the most minimal standard of living.

The Factories Act establishes an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards are generally enforced and accepted (indeed, improved upon by various enlightened employers and aggressive unions) in the modern industrial sectors but are less often observed in older, smaller, and less economically robust industries.

Occupational safety and health measures also vary widely, although this is an area in which both Government and trade unions have become more active. Governmental resources devoted to inspection and enforcement of standards are generally recognized to be inadequate. Several international organizations and foreign government agencies, including the U.S. Agency for International Development, are working with the Government of India on various occupational safety and health projects.

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Iran is an Islamic Republic under the leadership of Ayatollah Ali Khamenei, who succeeded Grand Ayatollah Khomeini after Khomeini's death in June. The formal system of government, based on a Constitution approved in 1980 by popular referendum and revised in July 1989, features a parliament and a president elected from among multiple candidates by universal suffrage. However, all candidates must meet highly restrictive religious and political criteria imposed by the Council of Guardians, and as a result the choice offered to voters is narrow. The Government is dominated by a political elite composed of Shi'a Muslim clerics and of laymen allied with these clerics which attempts to impose its views on political and socioreligious orthodoxy. However, there are significant factional differences on important economic and political issues, such as private property ownership and relations with the West.

The Government's hold on power is reinforced through arrests, summary trials and executions, and other forms of intimidation implemented by an extensive internal security system. Political arrests are made by the Revolutionary Guards or, less commonly, by revolutionary committees (komitehs), local neighborhood groups which once were quasi-official but which have now been subsumed under the Ministry of Interior. In practice, these groups retain a certain amount of autonomy, particularly in the provinces, and the central Government is sometimes unable to control their activities fully.

The disruptions of the revolution, the devastation of the Iran-Iraq war, and government mismanagement have caused serious economic deterioration in Iran. Inflation is probably above 50 percent, while unemployment is about 40 percent of the work force. Many industries are operating at less than half capacity. Corruption and black market activities are rife. The Government has not yet made many key decisions regarding reconstruction strategy and economic development; these include the nature and level of foreign participation in reconstruction, the role of the private sector, and government versus private control of foreign trade.

Iran continued in 1989 to be a major violator of human rights. Abuses included summary executions of political opponents; widespread torture; repression of the freedoms of speech, press, assembly and association; arbitrary detentions; lack of fair trials; continuing repression of the Baha'i religious community; denial of the right of citizens to change their government; and severe restrictions on women's and worker rights. In his inaugural speech in July, President Rafsanjani pledged that the Government would respect the "freedom and dignity of individuals." Although the Government implemented a series of steps to regularize judicial procedures and bring the security forces under closer supervision, by year's end it was not apparent that the pattern of abuses noted above had been significantly altered.

Both Amnesty International (AI), in its 1989 Report covering 1988, and the U.N.'s Special Rapporteur for Iran, Reynaldo Galindo Pohl, cited instances of torture, execution after

*Because of the absence of a United States Mission in Iran, this report draws heavily on unofficial sources.

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summary proceedings, and the holding of political prisoners as among continuing human rights abuses in Iran. According to Galindo Pohl, the Government of Iran acknowledged the large-scale executions which took place during the last several months of 1988. He concluded that "acts are being committed in Iran that are incompatible with international human rights instruments that are binding on the Iranian Government."

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The total number of people killed for political reasons in 1989 is unknown. Given the lack of basic procedural safeguards in political trials, most of the executions ordered each year in such cases amount to summary executions. Moreover, the Government often cloaks political charges with accusations of criminal activity, e.g., narcotics trafficking.

A rash of political executions which began in the late summer of 1988--and claimed between several hundred and several thousand lives--subsided in early 1989. Under a new antidrug law announced in late 1988, the Government executed hundreds of accused drug traffickers throughout the year, a number of whom, according to a variety of sources, were actually political detainees.

In August AI reported that 851 persons had been executed for alleged drug-related offenses, out of a total of over 1,200 executions during the year for criminal offenses. Many of those killed were hanged en masse in cities around the country, some from construction cranes.

In its 1989 Report, AI also charged that secret executions of political prisoners was common.

The Government has sought to reduce the time between commission of a capital crime and the execution of the accused to a period of 10 days. In a February statement, the country's highest judicial authority stated that the new directives were being followed and prisoners were being executed within a very few days.

b. Disappearance

The number of disappearances in 1989 is unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Accounts of torture in Iran's prisons continued to be received in 1989 and included a wide range of inhuman practices. According to various human rights groups and eyewitness accounts, floggings, mock executions, and suspension from the ceiling are common methods of torture, as are threats of sexual abuse of female prisoners and female relatives of male prisoners. AI reports that relatives of political suspects have been imprisoned to pressure the suspects to give themselves up. Guards have threatened to torture family members of detainees, and relatives or other prisoners have occasionally been forced to watch torture. A number of

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prisoners, including young children, have been raped by Revolutionary Guards. According to the United Nations Special Rapporteur, one eyewitness reported the torture of women prisoners immediately after giving birth.

Beatings of all kinds, both by single guards and by several guards at once, are common. Allegedly, prisoners are flogged on the soles of their feet until they can no longer walk. Brutal common criminals have reportedly been introduced among political prisoners and incited to torture and rape the other prisoners.

The U.N. Special Rapporteur, in a report issued in 1988, noted that torture in Iranian prisons has become more sophisticated. Steps allegedly have been taken to eliminate traces of physical torture, including the use of new types of cables to beat prisoners, and the physical separation of tortured prisoners from other inmates until all marks of abuse have disappeared. A machine is reportedly used to perforate the soles of feet after they have been flogged to reduce the swelling.

Prisoner protests against the inhuman conditions in Iranian prisons have reportedly been met with beatings, denial of medical care, and, in some cases, execution.

d. Arbitrary Arrest, Detention, or Exile

Arrests for expression of views critical of or different from those of the Government were known to occur in the past, but it is not known how many may have occurred in 1989.

In the past, some persons have been arrested on trumped-up criminal charges when their actual "offenses" were political. Individuals were taken into custody on vague charges such as "corruption on earth" or "crimes against God." The lack of fair trials and other procedural safeguards encourage such practices.

No judicial determination of the legality of detention exists in Iranian law. There is reportedly no legal time limit on incommunicado detention. Suspects are held for questioning at local Revolutionary Guard offices or in jails.

There have been reports that children often have been taken into custody with their mothers. Some women have been imprisoned solely because they have associated with men who are political suspects.

In February the Government announced an amnesty for imprisoned members of banned opposition organizations that applied to 2,600 persons out of a total of 3,500 the Government admitted had been imprisoned for political activities. According to the Government, the amnesty did not apply to those who committed serious crimes in the course of these activities. The Government claimed that all 2,600 were released but there was no independent confirmation, and opposition elements have claimed that few of those supposedly amnestied have returned home. In October the Chief of the Judicial Branch announced another amnesty and a reduction in the sentences of those who were convicted by "public, military, and Islamic revolutionary courts." The program, which was made subject to numerous conditions, has not been fully implemented, and no figures are available on the number released.

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are essentially two different court systems. The civilian courts deal with criminal offenses, and the revolutionary courts, established in 1979, try "political" offenses.

No trial by a revolutionary court can be called fair or public in the usual sense. If the trial is staged publicly, it is generally because the prisoner has already been forced to confess to a crime. Individuals tried for political offenses enjoy virtually no procedural or substantive safeguards.

The U.N. Special Rapporteur noted in a special report in 1989 that reports continued to be received about the lack of many basic procedural guarantees. Defendants reportedly did not have access to a defense lawyer, were unable to call witnesses on their behalf, and were unable to appeal. Some persons have been blindfolded during their trial. AI has reported that many convictions are based on confessions extracted under torture during incommunicado pretrial detention. Some individuals have been imprisoned beyond the limit of their sentence, and even executed after the formal expiration of their prison term.

Restraints on arbitrary actions of the revolutionary courts were reportedly severely weakened in 1985 by a government decision to limit the review authority of the Supreme Court. The judicial system is further weakened by the fact that revolutionary courts can consider cases formally under the jurisdiction of the civil and criminal courts. Assignment of cases to regular rather than revolutionary courts is haphazard and apparently occurs mainly when arrests are made by regular police. Revolutionary courts can also overturn the decisions of civilian courts.

For common criminal offenses, many elements of the prerevolutionary judicial system survive, and the accused often have the right to a public trial with benefit of lawyers of their own choosing, assuming they can afford the fee. Even this judiciary is not fully independent, however. Many of the former judges were retired after the revolution, and new judges selected. One criterion for new judges is grounding in Islamic law, and political acceptability is a requirement for any government position. Favorable verdicts reportedly can often be "purchased" from the judges serving on civil and criminal courts and to a lesser degree from judges of the revolutionary courts.

No reliable estimate is available on the number of political prisoners. In its 1989 Report, AI, noting that 1,200 political prisoners had been executed, estimated that "thousands of others" remained in prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government rejects the Western distinction between a public sphere which the state may control and a sphere of private life (religion, culture, thought, and private behavior) which the State may not properly control.

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Authorities still enter homes, tap phones, and open mail, but these activities seem to occur less frequently now than in previous years.

Special Revolutionary Guard units and neighborhood komitehs check on social activities. Women whose clothing does not completely cover the hair and all of the body except hands and face, or who wear makeup, are technically subject to arrest. In the past, men have also been required to dress "modestly," eschewing, for example, short-sleeved shirts. In 1989 the social climate reportedly became somewhat more tolerant after the death of Khomeini; the komitehs were said to be much less in evidence on the streets. As the year ended, however, there were some reports that the momentum seemed to have changed, and there was closer application of Islamic standards of dress and conduct.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that "publications and the press may express ideas freely, except when they are contrary to Islamic principles, or are detrimental to public rights." In practice, most publications are controlled by the Government; independent publishers run the risk not only of press shutdowns and confiscation of publications and equipment but of arrest and summary punishment if they are overly critical of the Government.

All books must be submitted to the Ministry of Islamic Guidance for censorship before they can be published. Publishers, authors, and printers also engage in substantial self-censorship before submitting books to the Ministry in an effort to avoid the substantial penalties, including economic losses, incurred when books are rejected.

Newspapers, which are usually associated with various government factions, reflect a variety of viewpoints. Officials and government policies are often subjected to public criticism, but newspapers are forbidden to criticize the concept of the Islamic republic, or to promote ethnic minority rights. Nevertheless, some independent publishers out of favor with the Government continue to survive, and some books and pamphlets critical of the Government are published without reprisal. Foreign books, newspapers, and magazines may be imported only after they have been censored.

All broadcasting facilities are government owned.

The severity of restrictions on academic freedom has been relaxed somewhat in recent years. However, course content is still monitored, and there is little genuine critical discussion of issues. To achieve tenure, professors reportedly must cooperate with government authorities over a period of years. All textbooks proposed for use at the universities are reviewed by government authorities to determine their acceptability.

b. Freedom of Peaceful Assembly and Association

The Constitution permits unarmed assemblies and marches "provided they do not violate the principles of Islam." The

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only ones permitted in practice are those sponsored by the Government, such as Friday prayers and sermons and parades on official occasions.

The Constitution allows the formation of political parties, groups, and professional associations, as well as Islamic and some minority religious associations, provided they do not violate the principles of "freedom, sovereignty, [and] national unity" or question Islam or the Islamic Republic. In practice, most independent organizations have either been banned, co-opted by the Government, or are moribund.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

In Iran religion is almost inseparable from government. The President and many other top officials are mullahs (Islamic clergymen), as are the Speaker of the Parliament and nearly half the deputies in Parliament.

Approximately 90 percent of Iranians are Shi'a Muslims. Aside from slightly over 1 percent who are non-Muslims (Baha'is, Christians, Zoroastrians, and Jews), the rest are Sunni Muslims. The Sunnis are mostly Kurds, Arabs, Turkomans, Baluch, and other ethnic minorities whose political influence is very limited. The Constitution declares that "the official religion of Iran is Islam and the sect followed is Ja'fari Shi'ism," but it also states that "other Islamic denominations shall enjoy complete respect."

The small Christian, Jewish, and Zoroastrian (the pre-Islamic religion of Iran) populations are concentrated mainly in urban areas. Their religions are recognized by the Constitution, and they elect representatives to seats reserved for them in the Parliament. They are permitted to practice their religions, to instruct their children, and--although with a great deal of disruptive interference--to maintain schools.

The Government continues to discriminate against the Baha'i community, Iran's largest non-Muslim minority (300,000 to 350,000 members). The Special Representative stated in his 1989 Report that information he received indicated that Baha'is are still being harassed for their faith. The Baha'i religion, an offshoot of Islam, is considered a "misguided sect" by the authorities and is not officially recognized. Between 1979 and 1988 the Baha'is suffered severe persecution, mainly government directed and aimed at the religious leadership.

In 1983 the Prosecutor General issued an order that effectively banned all Baha'i religious activity and provided the legal foundation on which virtually all members of the faith can be charged with crimes. Baha'i property was confiscated, shrines demolished, businesses disbanded or confiscated, and known Baha'is denied public sector employment and social services. Baha'i marriages are still not recognized. Baha'is are forbidden to participate in social welfare organizations, their businesses are outlawed, and they may not teach their faith. Baha'i national leaders dissolved the community's organizations in obedience to the Prosecutor General's edict, but they subsequently were arrested, and at least some were executed. Many ordinary Baha'is were also arrested on vague charges.

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In some important respects, the Government has ameliorated its treatment of Baha'is. No Baha'is were reported to have been arrested or executed in 1989; the number of Baha'is held in prison fell to fewer than 15. A small number of Bahai's have been issued visas to leave the country. Some Baha'i property confiscated by the Government was returned, although the amount represents a fraction of the total seized. Baha'i children are now permitted to attend grade school and high school (although Baha'is cannot attend college or be employed on college faculties). Some Baha'is were allowed quietly to reopen their businesses.

The Government has not officially abandoned its anti-Baha'i policies; widespread discrimination against, and persecution of, the community persists. The Government continues to attack the Baha'i community as a front for political and espionage activities, and prohibits the community from electing leaders or conducting religious activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iranians may travel to any part of Iran, although there have been restrictions on travel to Kurdish areas at times of heavy fighting. Persons may change their place of residence without obtaining permission.

Travel outside Iran is considerably easier now than before 1983. Khomeini's decree of December 1982 established the right to travel abroad; prior to that time passports and exit visas had been difficult to obtain. In 1989, however, there was evidence that airport departure procedures were again tightened, and the exit tax was increased sharply.

Males of draft age are not issued exit visas except for approved courses of study, and Iranians who are suspect politically, such as some retired military officers and high-level public officials under the former regime, are not able to leave. Persons who have not repaid loans obtained from development banks under the old government also are denied exit visas. Reportedly some Iranians, particularly those whose skills are in short supply and who were educated at government expense, must post bonds to obtain exit visas.

Iranian Jews are permitted to obtain passports and to travel, but they are normally denied the multiple-exit visas given to most Iranians and must make a fresh application (with a fresh fee) for each planned trip. Permission is not normally granted for all members of a Jewish family to travel outside Iran at the same time.

Iranians are generally able to return to Iran after long periods abroad without reprisal. Since the cease-fire, the Government has encouraged the many thousands of skilled Iranians living abroad to return to help rebuild the country. Of those who have gone back in recent years, a number have been able to pursue, through the Iranian judicial system, the return of their properties. However, many exiles complain that formal legal guarantees of their safety have not yet been provided, and as a result, many remain reluctant to return.

There are some categories of individuals who may be in danger if they return to Iran. Some of those with close ties to the former regime, draft evaders, and those who departed the country illegally face possible arrest upon their return.

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Members or sympathizers with the People's Mojahedin Organization of Iran, an opposition group, are subject to imprisonment and torture or even execution should they return. Nevertheless, immediate relatives of persons wanted by the Government are often able to live in Iran, travel outside, and return without undue difficulty.

Iranian passports have always been stamped "not valid for emigration," but the Government does not make a clear distinction between legal residence in another country and emigration. According to the regulations, Iranians with a legal residence outside Iran may be issued passports and advance exit visas by the Iranian embassy, consulate, or interests section in their country of residence. Iranians who have acquired U.S. citizenship are considered Iranian (in effect dual nationals) unless they have formally renounced their Iranian citizenship in accordance with Iranian law.

Dual nationals have complained that the Iranian Interests Section in Washington will neither give them visas in their U.S. passports nor issue them Iranian passports and exit visas on the grounds that their residence in the United States is not legal because, according to Iranian law, they emigrated illegally. Although such services may be denied, there are no known instances of the denial of Iranian citizenship to Iranians who left Iran, or to those who have remained there.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Iran is ruled by a group of religious leaders (mullahs) and their lay associates who share a belief in the legitimacy of a theocratic state based on Ayatollah Khomeini's interpretation of Shi'a Islam. Citizens are not free to question or to change this form of government.

The revolutionary Government has held elections at fairly regular intervals for president, Parliament deputies, members of the Council of Experts (responsible for choosing Khomeini's successor), and members of local government councils. Presidential elections were held in July, and by-elections for Parliament were contested in December. All elections have been hard fought, generally with several candidates for every position. Voting is by universal suffrage. All candidates must be approved by the Council of Guardians, however, and only those meeting the Council's vaguely described political and religious criteria may run. In practice, only supporters of the theocratic state are accepted.

Although the Ministry of Interior announced in December 1988 that political parties would be allowed to form, provided they met the Government's religious and political criteria, only one was licensed. After Khomeini's death, the movement toward legalization of more political parties appeared to end.

The independence of the Parliament is established in the Constitution and exists to a large degree in practice. While Parliament deputies are typically allied with various powerful political and religious officials, they may speak and vote independently and may shift from one faction to another. Vigorous parliamentary debates--normally covered extensively in the press--cover a wide variety of issues. Harsh criticism of government officials is often heard in these debates, and, in some cases, laws proposed by the executive branch have been voted down.

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The Constitution provides for a Council of Guardians composed of 12 members: 6 clerics unilaterally appointed by the Leader, and 6 lay members well grounded in Islamic law who are nominated by the head of the Judicial Council, subject to the Parliament's approval. The Council of Guardians must certify all bills passed by the Parliament as being in accordance with Islamic law and the Constitution. If bills fail to be certified, they are sent back to the Parliament for revision. They cannot become law until passed by the Parliament and certified by the Council.

The Council has rejected various important bills and portions of bills passed by the Parliament, including legislation on land reform, foreign trade, private enterprise, the press code, and reform of the civil code.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been uncooperative with foreign human rights groups, whether government sponsored or independent, regarding their activities as interference in the country's internal affairs. Foreign diplomats stationed in Tehran who attempt to develop information about human rights abuses face strong interference from Iranian authorities. There are no internal human rights groups.

In its 1989 Report, AI said that during 1988 it had repeatedly asked the Government for information about charges against persons sentenced to death or executed, and asked about trial procedures followed in cases involving the death penalty. It also called for an end to political executions, flogging and amputations, the release of political prisoners, and guarantees of fair trials within a reasonable time. AI also asked the Government several times to allow a delegation to visit Iran to discuss human rights concerns. AI said the Government did not respond to any of these inquiries.

The Government has opposed efforts in the United Nations to criticize its record on human rights. Nevertheless, resolutions expressing the United Nations' concern about human rights abuses in Iran have passed annually in the General Assembly and in meetings of the U.N. Human Rights Commission (UNHRC). In referring to the finding of his 1988 Report, the U.N. Special Representative stated in his 1989 interim Report that he maintains his conviction that acts are being committed in Iran that are incompatible with international human rights instruments that are binding on the Iranian Government.

Since 1984 the Government has refused to allow a UNHRC Special Representative to enter Iran to prepare his reports and has not commented on human rights violations submitted for its consideration. However, in November Iran's Permanent Representative to the U.N. presented a letter to the Special Representative inviting him to visit Iran to prepare a report on the human rights situation there. The report is scheduled to be presented to the 46th session of the UNHRC in February. However, the modalities of the visit have yet to be worked out.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women, always the object of discriminatory practices in Iran's conservative society, have faced even more discrimination

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since the revolution. Witnesses who presented testimony to the U.N. Special Representative reported the torture and execution of women detainees, some of whom were raped before execution. Ultraconservative dress, entirely hiding the hair and all of the body except the face and hands, is a requirement for all women, regardless of their religion, national origin, or citizenship. In the past, women have been harassed, detained, or physically attacked if they appeared in public in clothing which official or self-appointed guardians of public morality deemed insufficiently modest. However, as noted in Section 1.f., women in 1989 reportedly enjoyed somewhat greater freedom in dress and appearance although proponents of orthodoxy remained strong.

The Family Protection Act, passed under the Shah, was revoked by the Islamic Government and replaced by a civil code reflecting Islamic law. A bill passed in mid-1983 did give women the right to divorce their husbands, and regulations announced in 1984 substantially broadened to 12 the number of grounds for which a woman may seek divorce. A husband may obtain a divorce without having to state a reason or go to court. The new marriage regulations provide for improved financial settlements for wives whose husbands divorce them. Although violence against women is known to occur in Iran, little is known about its extent. Abuse within the family is considered a private matter in this conservative society and is seldom discussed publicly. There are no official statistics on the subject.

The Christian, Jewish, Zoroastrian, and Baha'i minorities suffer varying degrees of officially sanctioned discrimination in a number of areas, particularly with respect to employment, education, and public accommodations. Muslims who have converted to Christianity are similarly discriminated against. For example, one requirement of university admission is passing a test on Islamic theology, which has the effect of excluding most religious minorities from higher education. Applicants for public sector employment are similarly screened for adherence to standards of Islamic orthodoxy, with much the same effect. There have also been reports that religious minorities have suffered discrimination in the legal system, such as receiving lower awards in injury and death lawsuits, and of suffering heavier punishments than those imposed on Muslims. Although Sunnis have encountered religious discrimination on the local level, the Government has made efforts to reduce Shi'a-Sunni antagonism.

Section 6 Worker Rights

a. The Right of Association

There are no real labor unions. A national organization known as the "Labor House," founded in 1982 as the labor branch of the now defunct Islamic Republican Party, is the only authorized national labor organization. It works closely with the Islamic societies and "Islamic labor councils" set up in most Iranian factories. Labor House is headed by Hossein Kamali, the Minister of Labor; as such, it is largely a conduit of government influence, not a trade union founded by workers to represent their interests.

The officially sanctioned Islamic labor councils also are instruments of government control and not bodies created and

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controlled by workers to advance their own interests, although they have frequently been able to block layoffs or the firing of workers.

There is also a system of "guild unions," which operates on a regional basis. These guild unions issue vocational licenses, fund financial cooperatives to assist members, and help workers to find jobs. The guild unions operate with the cooperation of the Government.

No information is available on the right of workers in Iran to strike. No strikes are known to have taken place in 1989.

b. The Right to Organize and Bargain Collectively

In practice, the right of workers to organize independently and bargain collectively is extremely limited.

It is not known whether labor legislation and practice in the export processing zones differ in any significant respect from the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The International Labor Organization (ILO) Committee of Experts (COE), said in its 1989 report that it looked forward to learning of the repeal of Section 273 of the Penal Code. In its previous comments, the COE had stated that this provision, which compelled able-bodied citizens to engage in gainful occupation, was incompatible with the ILO Convention on Forced Labor and should be amended. The Government indicated that the Penal Code, which would abolish this section, has been adopted by the Council of Ministers and presented to the Parliament for final approval.

d. Minimum Age for Employment of Children

Iranian labor law, which exempts agriculture, domestic service, family businesses, and, to some extent, other small businesses, forbids employment of minors under 12 years and places special restrictions on the employment of minors under 18. In addition, women and minors may not be used for hard labor or, in general, for night work. The extent to which these regulations are enforced is not known.

e. Acceptable Conditions of Work

The labor law establishes a 6-day workweek of 48 hours maximum (except for overtime at premium rates), with 1 day of rest (normally Friday) per week as well as at least 12 days per year of leave with pay and a number of paid public holidays. There are also legal provisions with respect to minimum wages and health and safety in workplaces. Further information on these laws is not available.

Given the large segments of the economy exempted from the labor law, the State's still unresolved administrative disorganization resulting from the revolution, the effects of the war with Iraq, and the general lack of effective labor unions, it is unclear to what extent the provisions of Iran's labor law affect most of the labor force.

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Iraq is in effect a one-party state governed by the Arab Ba'ath Socialist Party (ABSP) through a Revolutionary Command Council (RCC) which has both executive and legislative authority under the provisional Constitution of 1968. Saddam Hussein holds decisive power as President of the Republic, Chairman of the RCC, and Secretary-General of the Regional Command of the ABSP. Two other small parties are essentially support groups for the Government. In 1989 the Government announced its intention to adopt a multiparty system enshrined in a new constitution. Elections for the National Assembly--which has few powers--were held April 1. A draft constitution which would reportedly allow a multiparty system was completed in 1989 and is expected to be put to a referendum in early 1990. It remains to be seen, however, whether this will dilute the monopoly of power held by Saddam Hussein and the ABSP. Iraq's population comprises many disparate groups, most notably Shi'a and Sunni Muslim Arabs, Kurds, Turcomans, and various Christian sects, predominantly Assyrians and Chaldeans.

Iraq's military is large and well trained, and parts of it, notably the Fursan, or Kurdish tribal levies, have responsibility for security within the Kurdish autonomous region. The National Police is responsible for civil order.

The Government exerts a high degree of control over the economy, dominated by the petroleum sector, and owns all major industries. The Government has been carrying out a program of divestiture and privatization in agriculture, tourism, services, and light industry, and is trying to attract investor capital and expertise in the operation of the economy. However, close government regulation of economic activity is expected to continue.

Iraq's human rights record remained abysmal in 1989. Effective opposition to government policy is stifled; the intelligence services engage in extensive surveillance and utilize extralegal means, including torture and summary execution, to deal with antiregime activity. The civil rights of Iraqi citizens continue to be sharply limited, and Iraqis do not have the right to change their government. The freedoms of speech and press and of assembly and association are virtually nonexistent. Other important human rights problems include continuing disappearances and arbitrary detentions, lack of fair trial, widespread interference with privacy, excessive use of force against Kurdish civilians, and an almost total lack of worker rights. In addition to the repressive domestic controls that predate the war with Iran, tight wartime controls, including travel restrictions, remain in effect despite the August 1988 cease-fire with Iran.

An armed Kurdish insurgency continued in 1989, but at a reduced level. Although there were no allegations that the Government used chemical weapons against Kurdish civilians in 1989, as it did in 1988, in its efforts to crush the rebellion, it continued to violate the human rights of elements of the Kurdish population. The Government announced in June that in its campaign to suppress the rebellion it has pursued a program since 1987 of establishing a depopulated security zone along the full length of Iraq's borders with Iran and Turkey. Under this program, the Government has destroyed villages within a 30-kilometer-wide zone and relocated approximately 500,000 Kurdish and Assyrian inhabitants into more easily controlled and protected towns,

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cities, and newly constructed settlements in traditional Kurdish areas.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

For years execution has been an established Iraqi method for dealing with perceived political and military opponents of the government, including, but not limited to, members of the outlawed Da'wa organization (an Iran-supported fundamentalist Shi'a Muslim group that has engaged in acts of international terrorism). In some cases, a family only learns that one of its members has been executed when the security services return the body and require the family to pay a fine.

Amnesty International (AI), in its presentation before the U.N. Subcommittee on the Prevention of Discrimination and Protection of Minorities in August, stated that it had received allegations that some 80 army deserters were executed in December 1988 and charged that the Government executed 11 of its Kurdish opponents in March and April 1989.

In its February report, "Iraq: Children: Innocent Victims of Political Repression," AI stated that it receives allegations of hundreds of executions in Iraq each year. AI cited the case of 29 Kurdish children and youths allegedly executed in January 1987. In addition, AI, in its 1989 Report covering 1988, cited allegations that hundreds of civilians, including women and children, were executed at Tanjaro Military Garrison, Sulaimaniya province. Independent information to confirm the allegations cited in AI reports is not available.

b. Disappearance

In the February report, AI asserted that thousands of people arrested over the years by Iraqi security or intelligence forces reportedly have "disappeared" while in detention, with many feared executed. In its August presentation to the U.N. Subcommittee, AI reported the disappearance in mid-April of Mulla Muhammad Dalgayi, described as the imam of Qal'at Diza, who was among delegates from Kurdistan who reportedly met with government officials to appeal against forced settlement of the Kurds at Qal'at Diza. He was reportedly arrested in Baghdad and has since disappeared. An Assyrian organization based in the United States charged in March that the whereabouts of 33 Assyrians, who took advantage of the amnesty issued by the Government and returned to Iraq from Iran and Turkey, were unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and prescribes stiff punishment for it, but it is clear that both physical and psychological torture are used by the authorities, especially the security police. Given the rigid chain of command within the Government and the security services, torture could not be practiced without the knowledge or authorization of senior officials.

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Emigre groups and former prisoners assert that persons detained by the security police for political or security-related matters are frequently tortured and mistreated. Treatment is reported to be worst immediately following arrest and during the period of interrogation and investigation, which can last for months. Torture and brutal treatment are not limited to political cases.

Security-related offenses are broadly defined and include such routine criminal matters as currency violations.

In its 1989 Report, AI stated that the routine torture and ill-treatment of prisoners continued to be widely reported. It said the victims included detainees below the age of 18 who were reportedly beaten, whipped, given electric shocks, and deprived of food. The Government categorically denied any use of torture against children as an official policy or as a practice, and stated its readiness to consider fully any individual allegation with a view to bringing perpetrators to justice. Impartial observers have so far been unable to look into these allegations.

d. Arbitrary Arrest, Detention, or Exile

While the Constitution and legal code provide for the rights of citizens and place checks on police powers in such areas as arrest, detention, imprisonment, and search, these provisions have virtually no weight in political or national security cases, although they are generally respected in ordinary criminal cases. Security police not only make arbitrary arrests but also secretly detain suspects, whose fate sometimes becomes known only after they have been executed. Security charges have included espionage, treason, and conspiracy against Iraq, often in collaboration with unnamed foreign enemies.

The relocation of 500,000 Kurdish villagers to other areas of Kurdistan since 1987 may be considered a form of internal exile. The Government declared in June 1989 that it was creating an uninhabited security zone to ensure the safety and security of citizens in the border regions (who were subjected to shelling and military operations during the war with Iran) and to provide better services to the villagers.

Although the Government has ceased expelling Iraqis of supposed Iranian descent, most of the few remaining Iranians have been imprisoned or live under the fear of deportation or incarceration. Spouses of Iraqis of Iranian origin are required to obtain a divorce or suffer the same consequences. Moreover, other Iraqis, whose grandparents are shown not to be of Iraqi origin, are subject to arbitrary detention and deportation.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Iraq's legal system provides for investigation by police and then by an inquiry judge who may refer a case to the courts or dismiss it. Judges try criminal cases; there are no juries. Convictions may be appealed to the Court of Appeal and then to the Court of Cassation, the supreme court. There are no Shari'a courts per se in Iraq; however, family courts administer Shari'a law modified by Iraqi custom.

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Trials of ordinary cases are held in civil, criminal, and religious courts and are open. Defendants are entitled to counsel--at government expense if the defendant is indigent. Charges and evidence are available for review by the lawyer. Appellate courts hear cases not under the jurisdiction of the Revolutionary Courts.

In contrast to ordinary cases, security cases are handled by the Revolutionary Courts, which usually hold closed trials. Security cases include espionage, treason, smuggling, currency exchange violations and drug trafficking. The right of defense in such courts is said to be severely restricted. The "special courts" constituted by the RCC for specific incidents, such as the reported conspiracy against the regime in 1979, are also closed. These special tribunals are apparently exempt from constitutional safeguards of defendants' rights; defendants are held incommunicado, and confessions extracted by torture are admissible. Appeals can be taken only to the chairman of the RCC. However, the utility of this appeal is questionable, since there are reports that executions take place shortly after trial.

Political dissent in Iraq is taken by the authorities to encompass a wide range of activities and, in an environment where public acknowledgement of arrest or imprisonment is rare, it is extremely difficult to estimate the number of political prisoners. In its 1989 Report, AI stated that "thousands" of political prisoners continued to be arbitrarily arrested and detained, especially members of prohibited political parties, Army deserters, and draft resisters. Relatives, including children of suspects, are said to be held as hostages to compel confessions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides protections for the inviolability of the home, and strong cultural values reinforce these protections. Police must obtain a search warrant before entering the home of a criminal suspect. However, warrants are not required for the arrest of security suspects. Although most arrests occur outside the home, there have been reports of forced entry and arrest by the security police, particularly of suspected members of the outlawed Da'wa organization.

Although the Constitution provides for the confidentiality of mail and telegraphic and telephone correspondence, many Iraqis believe that the monitoring of telephones is a common practice and that all mail is subject to review by censors. The security services and Ba'ath Party maintain pervasive networks of informers. The Government maintains a close watch against Iranian attempts to exploit dissatisfaction among Iraqi Shi'a, who adhere to the branch of Islam prevalent in Iran.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Elements of Iraq's Kurdish population have engaged in armed struggle with all governments of Iraq periodically since the 1920's. The outbreak of the Iran-Iraq war in 1980 sparked a new antigovernment insurgency by Kurdish elements, many of whom fought with or aided Iran during the war. From 1981 to 1989, the Government's efforts to crush the rebellion militarily resulted in approximately 8,000 deaths, many of

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them civilians killed indiscriminately by chemical weapons in 1988.

Although the fighting was at a reduced level in 1989, Kurdish military operations continued, as did government measures to contain them. Kurdish rebels continued to announce their hostility towards the central Government. On August 29, 1989, the leader of one group of insurgents stated to the press in Geneva that his group would target foreign interests in Iraq supporting the Iraqi regime. At year's end, the cycle of Kurdish rebellion and government repression remained unresolved.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The freedoms of speech and press are not respected. The Constitution prohibits "any act aimed at undermining the national unity of the people, provoking racial, sectarian, and regional bigotry, or violating gains and achievements of the country." The Government views political dissent as a threat to its security and strictly controls speech and all information media. All publications are subject to censorship. The Government and the Ba'ath Party own and operate the press, radio, and television. The media do not criticize the Government, and news reporting is strongly biased. There is no presentation of opposition viewpoints.

Few foreign periodicals reach Iraq and those that do may be censored. Western newspapers are not sold. Foreign visitors' magazines, newspapers, cassettes, cameras, and video cassettes may be confiscated at the airport. To control the dissemination of political leaflets, word processors and computers must be registered. Failure to register is a criminal offense. Iraqis no longer need to register their typewriters or photocopiers, but foreigners in Iraq must do so. Taking photographs of military installations, government buildings, or areas near sensitive locations is forbidden and punishable by imprisonment. Journalists and photographers visiting Iraq at the invitation of the Government are required to present film taken in Iraq for inspection by the authorities.

b. Freedom of Peaceful Assembly and Association

These freedoms are severely limited. Public meetings may only be organized under the auspices of the Government or the Ba'ath Party. Association for nonreligious purposes and demonstrations without government approval have met with severe repression. Professional organizations are subject to control by the Ba'ath Party Central Vocational Bureau.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Iraq is an ethnically and religiously diverse society. Since its rise to power in 1968, the Ba'ath Government, while carefully controlling religious groups, has enforced tolerance of religious diversity, seeking to submerge religious differences in the promotion of secular nationalism. A 1981 law gave the Ministry of Endowments and Religious Affairs the authority to promulgate laws and regulations governing places

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of worship, appointment of clergy, publication of religious literature, and participation in religious councils and meetings. Muslim religious leaders operate under close government supervision, are considered government employees, and receive their salaries through the Government. The Government administers the principal Muslim shrines and mosques and has provided allotments to them and to churches for maintenance and refurbishing. There are no penalties under Iraqi law for changing one's religion, although there is a social stigma for Muslims who convert to another faith.

While the Government has assumed much greater authority in Islamic religious affairs since 1981, it has been less intrusive into the religious affairs of Iraq's Christians, who number more than 500,000 and constitute nearly 4 percent of the population. Their freedom of worship in churches of established denominations is legally protected, but they are not permitted to proselytize or to hold meetings outside church premises. Convents and monasteries exist, and some new churches have been constructed, in some cases with government financial support. The Jewish community has decreased from 150,000 following World War II to under 400. There is no evidence of recent persecution. One synagogue in Baghdad still functions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iraqis are generally free to travel within the country and to change their residences or workplaces. However, they are likely to be constrained by social, cultural, and religious traditions which define the areas occupied by the various ethnic and religious groups. Sensitive border and other security areas are off limits. There are police checkpoints on highways and outside major towns, but Iraqis and nondiplomatic foreigners travel freely in nonrestricted areas.

The Government's harsh campaign to suppress Kurdish rebels, involving mass relocations of Kurdish villagers, has nullified the right of hundreds of thousands of Kurds to choose their place of residence. Since the Government began its program of forced relocation in 1987, an estimated 500,000 people have been uprooted. Since traditional Kurdish culture has been deeply embedded in the rural village, the forced removals and razing of villages has had a destructive impact on the lives of some half a million Kurds.

Most foreigners who remain in the country for more than 30 days and all Iraqis must obtain exit permission. Travel has been severely limited since September 1986, when the Government imposed tight restrictions on currency exchange. These restrictions were eased somewhat in 1989, but the most an Iraqi may exchange is 1,000 dinars (\$3,220). Because of the drain on the economy caused by the war and reconstruction, permission to travel abroad is restricted to a few categories of Iraqis, including officials, businessmen, government-approved students, and persons needing medical treatment. In 1989 the Government eased restrictions to permit one parent to visit his or her offspring who is studying or working abroad.

While permission for medical treatment abroad may be granted, permission to transfer hard currency abroad to pay for it may not be. In cases of those desiring medical treatment in the United States, the Government now requires a bond to be posted by an American friend or relative with the Iraqi embassy in

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Washington before exit permission is granted. The minimum amount of this bond is \$10,000. The Government sometimes limits the countries an Iraqi traveler may visit and, should the traveler visit a nonauthorized country, a small fine may be levied upon his return. Iraqis who have residences abroad may depart the country, provided they originally left before the war began. A married woman must have the permission of her husband to travel abroad.

The Government can require a prospective traveler to post a substantial bond to assure his return. The RCC decreed in 1987 that Iraqi students abroad who refuse to return to Iraq must reimburse the Government for all education received in Iraq or abroad at government expense. The decree is applicable retroactively to students who have refused to return since May 16, 1983, the date the Government began requiring employees leaving government jobs before 20 years of service to reimburse the State for the cost of their education. Amounts due can be recovered by confiscation; nonpayment may result in imprisonment. Each student must provide a guarantor before traveling abroad. This guarantor and the student's parents may be held liable if the student fails to return.

There is no specific ban on emigration or special restrictions for members of minority groups; however, emigration is discouraged. For the past several years, almost all of those given permission to emigrate have been Christian Iraqi wives of former Iraqi citizens now living abroad as citizens of another country. Prospective emigrants have had travel permission delayed and have been harassed. Many emigrants leave behind substantial property because of the difficulty of exporting assets. Currency exchange violations are considered national security offenses, and penalties can be severe.

Non-Iraqi spouses of Iraqi citizens who have resided in Iraq for 5 years are required to take Iraqi nationality or leave Iraq. Many people, including several Americans, have thus been obliged to accept Iraqi citizenship and are therefore subject to the present travel restrictions. In March 1984, an order by the RCC reduced the residency period before naturalization to 1 year for the spouses of Iraqi citizens employed in government offices. The Iraqi spouse faces penalties for noncompliance, including loss of job, a fine of approximately \$10,000, and repayment of the costs of education. Iraq does not recognize the concept of dual nationality, and many Iraqi "dual nationals," especially the children of an Iraqi father and a mother of non-Iraqi birth, have been denied permission to leave Iraq to visit the country of their other nationality.

In recent years, the Government has instituted special programs to encourage repatriation of qualified professionals. Aliens of Iraqi origin can apply for a document permitting them to enter and exit from Iraq without a visa.

Other persons of Iraqi origin are permitted to return, including many persons who were admitted to other countries as refugees. A number of such people, especially Assyrian Christians, have returned on temporary visits. They are free to come and go, within the limits of the present travel restrictions, since they are not considered to have violated Iraqi laws. However, those who emigrated only after the beginning of the Iran-Iraq war, including several U.S.

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permanent resident aliens, have been unable to depart from Iraq after returning. In September and November 1988 and in February and March 1989, the Government announced amnesties for Kurds who fled the country for any reason. Approximately 2,000 have voluntarily returned from refugee camps in Turkey.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Iraqi citizens do not have the ability peacefully to change their government. President Saddam Hussein and the RCC rule Iraq through the Ba'ath Party. It reportedly has some 1.5 million adherents, representing about 9 percent of the population.

There are two other small legal political parties, both Kurdish. They and the Ba'ath Party constitute the Patriotic and Progressive National Front, essentially a vehicle of support for the Government. Members of the military or security services may engage in political activities only within the Ba'ath Party. Association with the party is not required for appointment to senior government positions or military ranks or election to the National Assembly, but is normally necessary to attain political influence. Opposition groups, including various Kurdish groups and splinter parties, are severely repressed. The Communist Party was removed from the National Front and declared illegal in 1979. The Da'wa organization, a violent Shi'ite group, is still proscribed, and its members are subject to incarceration and execution, as are members of other parties believed to be cooperating with Iran. Plans the Government announced in 1988 to permit legal formation of opposition parties were not implemented in 1989.

General elections were held for the 250-seat National Assembly in April. Though in theory possessing a wide range of official duties, the Assembly exercises little real authority. The majority of the more than 900 candidates were independents, although all supported current government policies. The elections by secret ballot were more open than in the past, and some high-ranking Baath party officials were defeated.

The biennial elections for the Legislative Assembly of the Kurdish Autonomous Region were held in September 1989. All 174 candidates, from the three legal parties and independents, had to satisfy the same requirements as National Assembly candidates. The Legislative Assembly does not exercise meaningful authority.

In October 1989, an Experts Commission finished drafting a new Constitution to replace the Provisional Constitution of 1970. Iraqi officials assert that the new Constitution will provide more guarantees of human rights. However, the new Constitution has not yet been made public pending approval by President Saddam Hussein and the RCC.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government allows one human rights group to operate inside Iraq, but this is largely under government control. The Government has rarely cooperated with private foreign groups

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or international organizations in investigating events or practices in Iraq.

The Government denies charges that it violates human rights, and claims that the information on which AI and other human rights groups base their charges comes from pro-Iranian and Kurdish Iraqi exile groups in London and Paris. In its 1989 report on children in Iraq, AI cited several instances in which Iraqi authorities had commented on AI reports or responded to AI inquiries, but in each case these authorities had defended the Government's actions as justifiable or denied the accuracy of AI's information. A resolution before the U.N. Subcommission on the Prevention of Discrimination and Protection of Minorities in August 1989, recommending that the U.N. Commission on Human Rights study the human rights situation in Iraq, was narrowly defeated.

Iraq does cooperate with the International Committee of the Red Cross in efforts to resettle Iranian civilian refugees in third countries, and the U.N. High Commissioner for Refugees has had a permanent representative in Iraq since April 1988 who registers Iranian refugees and works for their resettlement.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Ba'ath Party is committed to the equality of the sexes, and a series of laws since it came to power in 1968 has steadily improved the status of women. There have been laws to protect women from exploitation in the workplace; grant subsidized maternity leave; permit women to join the regular army, popular army, and police forces; and equalize women's rights in divorce, land ownership, taxation, suffrage, and election to the National Assembly. In the 1970's, the Government imposed legal penalties on families that opposed sending their women to literacy schools, and on men who were seen harassing women. While the application of these laws has resulted in significant tangible improvements for women, a number of problems remain. Married women may still travel abroad only with the permission of their husbands. School enrollment of females has been increasing in recent years, reaching 45 percent in elementary schools and 36 percent in secondary schools in 1985-86.

Women represent about 47 percent of agricultural workers and about 25 percent of the total work force. The war accelerated the Government's drive to elevate the status of women, and it appears to have significantly reduced, if not removed, barriers to the acceptance of women in traditional male roles. Women are increasingly employed as architects, construction engineers, oil engineers, air traffic controllers, and factory and farm managers. Their role in the armed forces is limited to the medical field.

Violence against women, such as wife beating and rape, is known to occur but little is known about its extent. Such abuse is customarily dealt with within the tightly knit Iraqi family structure because of the value attached to personal privacy in this conservative society. Consequently, there is no public discussion of the subject, and there are no official statistics. Excessive violence against women would be grounds for divorce and criminal charges, but suits brought on these charges in Iraq are believed to be rare.

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The use of minority languages is unrestricted. Kurdish is an official language used in schools and media in Kurdish areas. Turcomans publish in their dialect of Turkish, and Christians often use Aramaic as well as Arabic.

The Shi'a, who make up roughly 55 percent of the population, have historically been economically, politically, and socially disadvantaged throughout much of the Middle East. The Government has a declared policy to raise their living standards and equalize opportunities for their economic and professional advancement. For four centuries, political power in Iraq has been concentrated in the hands of the Sunni minority. Sunni Arabs, who comprise 20 to 25 percent of Iraq's population, dominate the RCC, the Regional Command of the Ba'ath Party, and the Cabinet. However, increasing numbers of Shi'as hold prominent positions, and the economic status of the Shi'a has improved through intensive government investment in the economic and educational infrastructure of southern Iraq.

Although Christians sometimes allege discrimination in education and jobs, adherence to their religion has not prevented many from obtaining wealth and professional advancement. The Deputy Prime Minister and Foreign Minister, a Chaldean Christian, has represented Iraq at meetings of the foreign ministers of the Organization of the Islamic Conference. Other Christians hold important official and private positions.

Citizens considered to be of Iranian origin carry special identification. They are often precluded from desirable employment and their advancement may be impeded. Many "Iranian" families have been in Iraq for generations. The two holiest shrines of Shi'a Islam, the prevalent sect in Iran, are located in Iraq. For generations Iranians have come to Najaf and Karbala on pilgrimage or to study in the seminaries, and many settled there. Some "Iranians" say their forebears were not from Iran but claimed Iranian nationality to evade Ottoman military conscription.

Section 6 Worker Rights

a. The Right of Association

Trade unions independent of government control do not exist in Iraq. Under the trade union organization law of June 2, 1987, a new single trade union structure was prescribed for organized labor. Workers in private and mixed enterprises and in cooperatives--but not public employees or workers in state enterprises--have the right to join a local union committee. The committees form trade unions which in turn are part of provincial trade union federations. At the top is an umbrella organization, the Iraqi General Federation of Trade Unions, which is organically linked to the Ba'ath Party and required to promote party principles and policies among union members. The General Federation is affiliated with the International Confederation of Arab Trade Unions and the Communist-controlled World Federation of Trade Unions. It is also active in the tripartite Arab Labor Organization, headquartered in Baghdad.

Although workers legally have the right to strike, after providing notice to the Labor Ministry, no such strikes were reported in 1989. There was a 1-day wildcat walkout by Egyptian workers protesting excessive work hours.

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b. The Right to Organize and Bargain Collectively

The right to bargain collectively is not recognized. Salaries for public sector workers (i.e. the bulk of the employed) are set by the Government. Wages in the private sector are set by the employers or negotiated individually with workers.

Iraq, which has ratified International Labor Organization (ILO) Convention 98 on the Right to Organize and Bargain Collectively, was criticized by the ILO's Committee of Experts (COE) in 1989 for the fact that its new labor code of 1987 fails to provide workers with protection against antiunion discrimination. The COE also expressed regret that the 1987 Act on trade union organizations did not provide for collective bargaining.

There are no export processing zones in Iraq.

c. Prohibition of Forced or Compulsory Labor

Although compulsory labor is prohibited by law, during and shortly after the war with Iran the Popular Army, the militia of the Ba'ath Party, employed press-gang methods to draft recruits. However, these activities ceased in November 1988, and the Popular Army was for the most part demobilized in 1989.

ILO supervisory bodies again in 1989 expressed concern that the Penal Code permits the punishment of civil servants with imprisonment, including compulsory prison labor, for breaches of labor discipline, which include resigning from one's job. A November cabinet meeting, reported in the government-directed press, quoted the remark of a minister that resignation from government jobs should be free, confirming that heretofore civil servants have had to buy their way out of government service.

d. Minimum Age for Employment of Children

Children are frequently encouraged to work as necessary to support the family, but the employment of children under age 14 is forbidden in all enterprises other than small-scale family enterprises. Children between the ages of 14 and 18 who are employed are protected by law: they work fewer hours and have more privileges than adult workers.

e. Acceptable Conditions of Work

The workweek in urban areas is 6 days, 7 to 8 hours a day, for workers in the private and mixed sectors. These provisions do not apply to agricultural workers whose workweek and hours of work per day can vary according to individual employer-employee agreements. Hours for government employees are set by the head of the ministry for which the employee works. Many government employees routinely work longer than 8 hours a day, some of them as much as 12 hours per day.

Occupational safety programs are in effect in state-run enterprises, and inspectors make visits irregularly to private establishments. Enforcement varies widely. A government decree to extend occupational safety and health protection was issued and subsequently withdrawn in December 1988, reportedly resulting in the dismissal of the Labor Minister.

A special problem arose after the Government decided in June to reduce drastically the amount of hard currency foreign

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workers could remit. It is widely believed that the Government took this measure to "encourage" foreign workers to leave the country, thus freeing jobs for demobilized Iraqi soldiers. Workers not on contract were particularly hard hit. Most of the over 2 million Egyptian workers in Iraq were manual laborers. When they learned they would be able to transfer only \$32 per month, they began to leave Iraq in droves, an estimated 2,000 per day by air alone. Egyptian and other foreign workers in Iraq have claimed that some Iraqi employers forced them to work 12 to 15 hours a day for 8 hours' pay or refused to pay wages. The Government has admitted that Iraqi banks have been slow to pay remittances. Egyptian workers are in fact receiving their savings a year after leaving Iraq.

ISRAEL AND THE OCCUPIED TERRITORIES*

Israel is a parliamentary democracy with a multiparty political system and free elections. There is no constitution, but a series of basic laws defines the responsibilities of government institutions. The legislature (the Knesset) can limit the government and force its dissolution. Israel has an independent judiciary. Public debate on issues of concern to Israelis is open and lively. A vigorous free press scrutinizes all aspects of Israeli life and politics.

Since Israel's founding in 1948, it has been in a formal state of war with most of its Arab neighbors, except Egypt, with which it concluded a peace treaty in 1979. As a result of the 1967 war, Israel has occupied the territories of the West Bank, the Gaza Strip, the eastern sector of Jerusalem, and the Golan Heights.

Since its founding, Israel has experienced numerous terrorist incidents, within and outside its borders. In this atmosphere of hostility and threat, Israel has relied heavily on its military and related services for security and has retained many of the security-related emergency regulations from the preindependence British mandate period.

Internal security is the responsibility of the general security service (Shin Bet), which is under the authority of the Prime Minister's office. The police are under the authority of a separate minister. The Israeli Defense Forces (IDF)--which include a significant portion of the Israeli adult population in either active duty or reserve status --also plays a role in maintaining internal security. The IDF is under the authority of a civilian Minister of Defense. The Knesset Foreign Affairs and Defense Committee reviews the activities of the IDF and the Shin Bet.

Israel enjoys a relatively high standard of living. It has a predominantly market economy with substantial government regulation and subsidies for basic commodities. Economic policy has a strong social welfare orientation.

Israeli citizens have a range of civil and other rights generally comparable to those in advanced Western democracies. Israel's Arab citizens have nonetheless not shared fully in the rights granted to, and the duties levied on, Jewish citizens.

In 1989, as in 1988, Israel's most significant human rights problem has been its practices in confronting the Palestinian uprising in the occupied territories. (For detailed discussion, see the separate report on the occupied territories.)

*Because the legal status of the West Bank, Gaza, and East Jerusalem and the political and human rights conditions differ sharply from those in Israel, the situation there is dealt with in a separate report following the report for Israel.

ISRAEL AND THE OCCUPIED TERRITORIES

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Political killings in Israel are neither practiced nor sanctioned by Israeli authorities. In 1989 nearly 20 Israeli civilians were killed within pre-1967 Israel by Palestinians in circumstances that appeared to be related to the ongoing political conflict in the occupied territories. Approximately five Palestinians from the territories were killed within Israel by Israeli private citizens in what may have been indirect retaliation for these incidents. Palestinians and Israelis apprehended for these acts were dealt with through the normal process of Israeli law.

b. Disappearance

There were no reports of government-condoned disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Israeli laws and administrative regulations prohibit, and provide specific penalties for, such activities. However, where security concerns predominate, these strictures have been violated. (See the occupied territories report for a discussion of allegations of mistreatment of prisoners.)

d. Arbitrary Arrest, Detention, or Exile

Israeli law and practice guarantee against arbitrary arrest or imprisonment. Writs of habeas corpus and other procedural and substantive safeguards are available. Defendants are considered innocent until proven guilty.

Administrative detention, with no formal charge or trial, has in the past been imposed on Israeli citizens for security reasons under emergency regulations. Two Israeli Arabs were administratively detained in 1989. The Minister of Defense may issue a detention order for a maximum of 6 months. Within 48 hours of issuance of such an order, a district judge must review the case and may confirm, shorten, or overturn the detention order. Failing review within the designated time period, the detainee must be released. The detainee may be represented by counsel and may appeal to the Supreme Court. The Government may withhold evidence from the detainee and counsel on security grounds.

In 1989 Israel continued to hold most administrative detainees from the occupied territories in detention centers inside Israel. (For a full discussion of administrative detention of Palestinians, see the separate report on the occupied territories.)

Israel does not exile its citizens.

e. Denial of Fair Public Trial

The right to a hearing by an impartial tribunal with representation by counsel is guaranteed by law. The judiciary is independent and effectively insulated from political interference. All nonsecurity trials are open. According to

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the Ministry of Justice, security cases may be tried before a military court or a civil court and may be partly or wholly closed to the public. The burden of justifying nonpublic proceedings falls to the prosecution. Defense counsel is present, even during closed proceedings, but may be denied access to some evidence on security grounds. According to the Ministry of Justice, in security cases in which access to some evidence is denied, that evidence is not presented to the court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of the individual and the home are protected by law within Israel. Emergency regulations permit mail to be stopped, opened, and even destroyed on security grounds. A 1979 law allows tapping of telephones for security reasons, with confirmation by the Prime Minister or Defense Minister. Interference with mail and the tapping of telephones are practiced infrequently.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

(See the separate report on the occupied territories.)

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Individuals, organizations, the press, and the electronic media freely debate a wide range of public issues and criticize government officials and policies, except where sensitive security-based considerations or other censorship provisions apply. Press articles dealing with security-related matters must be submitted to the military censor. Israel's Arabic-language press is censored more strictly than the Hebrew-language press. In 1989 a High Court of Justice ruling narrowed the range of material that could be censored on security grounds. Movies are occasionally censored if deemed pornographic, offensive to religion or social mores, or likely to disturb public order. Theater censorship was ended in 1989 for a 2-year test period. All newspapers are privately owned and managed. Most of the electronic media are run by the independent Israel Broadcast Authority, whose chief is appointed by the Government.

Security regulations make it illegal to possess or distribute literature of an outlawed organization for purposes of encouraging support for that organization or its cause or publicly to express support for such an organization. There was no indication that anyone was prosecuted under this law in 1989. Provisions against maintaining contact with, or accepting support from, an outlawed organization apply to the media as well as individuals. In 1989 the license of an Arabic-language newspaper was revoked on the grounds of links to an outlawed organization.

b. Freedom of Peaceful Assembly and Association

Israelis representing almost any point of view are free to assemble and associate. The law and court rulings protect these rights. However, security regulations prohibit membership in, or contact with, outlawed organizations, their subdivisions, or their individual members. In 1989 an Israeli

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peace activist was jailed for meeting with Palestine Liberation Organization (PLO) leader Yasser Arafat, eight Israelis were charged with meeting PLO members, and the 1988 convictions of four others for a similar offense were under appeal. A Knesset member met publicly with Yasser Arafat, but his Knesset immunity protected him from prosecution.

c. Freedom of Religion

Israel is a democracy. There are strong guarantees of freedom for all religious faiths. Approximately 82 percent of its citizens are Jewish. Muslims, Christians, and Druze, and members of other minority religions make up the remaining 18 percent. Travel to visit religious sites or perform religious obligations in and outside Israel is widely permitted. In 1989 Israel facilitated the pilgrimage to Mecca of over 5,000 Israeli Muslims.

Each recognized religious community in Israel has legal authority over its members in matters of marriage, legitimacy, inheritance, and conversion. Orthodox religious authorities have exclusive control over these matters in all sectors of the Jewish community, whether or not they are Orthodox.

Missionaries are allowed to work in Israel. A 1977 antiproselytizing law, prohibiting the offering and receipt of material benefits as an inducement to conversion, has not been employed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Israeli citizens can move freely within Israel except in military or security zones, or in cases where they may be confined to their neighborhood or village by administrative order under emergency regulations. In 1989 two Israeli Arabs were confined in this fashion, but were later released.

Israeli citizens are free to travel within the occupied territories, except in those sections temporarily declared closed military areas. (See the occupied territories report regarding the effect of Palestinian attacks on Israeli civilians' freedom of travel.)

Israeli citizens are free to travel abroad and to emigrate, provided they have no outstanding military obligations or are not restricted by administrative order. In 1989 the Israeli Government renewed restrictions on the travel of one Israeli Arab political activist, without giving an official reason.

Israel welcomes Jewish immigrants, including Jewish refugees, to whom it gives automatic citizenship and residence rights. It accepts back Israeli citizens who have emigrated. Israel has allowed the return of some Palestinians on the principle of family reunification but has rejected the great majority of requests for return.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Israel is a parliamentary democracy, with a multitude of parties representing a wide range of political views. Relatively small parties regularly win seats in the Knesset. All adult Israeli citizens have the right to participate in the political process and to vote by secret ballot.

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Participation of eligible voters, including Israeli Arabs, in national elections is high by Western standards. In the 1988 national elections, Israeli Arabs won 6 of 120 Knesset seats. Israeli citizens, including Israeli Arabs, actively participated in the 1989 local (municipal) elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Israel is responsive to international and nongovernmental interest in its human rights situation. It hosts and works with a delegation of the International Committee for the Red Cross. It permits regular visits by a wide range of private and international organizations concerned about human rights such as Amnesty International (AI), the Lawyers Committee for Human Rights, the International Labor Organization (ILO), and others. The Government routinely investigates and responds to human rights inquiries by such organizations as AI. The Ministries of Justice and Foreign Affairs have human rights offices.

The number of local human rights and political action groups, already very active, expanded in 1989, primarily in response to the continuing uprising in the territories.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Women's rights in Israel are protected by the equal opportunity law, which forbids sex discrimination. For example, it requires employers to pay male and female workers equal wages for equal work. Other laws and regulations give protection to women employees regarding pregnancy, childbirth, and child care. The Government includes a senior adviser on the status of women, and the Civil Service Commission and several government ministries have officers responsible for women's rights. Nongovernmental women's organizations work actively in promoting women's rights and welfare. Women are drafted into the army but do not fill combat-related positions.

Domination of personal status law by religious courts means that women are subject to restrictive interpretations of their rights in such crucial areas as marriage, divorce, and inheritance.

The courts in Israel deal firmly with persons convicted of violence, including violence against women. Human rights groups, especially women's groups, are increasingly active in dealing with the issue of domestic violence against women, and the Government provides some funding for intervention activities.

Israeli Arabs, who comprise approximately 18 percent of Israel's population, have made substantial educational and material progress since the founding of Israel. A few have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. The year saw the appointment of the first Arab woman judge. The Arabic-speaking community has access to local and foreign Arabic newspapers and magazines, internal and external Arabic television programming, and Arabic-language radio services. However, Israeli Arabs have not attained the same quality of education, housing, or other services as Israeli Jews.

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Relative to their numbers, they are underrepresented in the student body of most universities, and in higher level professional, academic, and business ranks.

The Israeli Druze and Circassian communities, at their initiative, are subject to Israel's military draft, and some Bedouin Arabs serve voluntarily in special units. However, most Israeli Arabs are not subject to the draft, and few volunteer. Consequently, they have less access than do other Israelis to such social and economic benefits as housing and new-household subsidies, and government or security-related industrial employment, for which military service is either a prerequisite or an advantage.

Section 6 Worker Rights

a. The Right of Association

Israeli workers and employers have freely established organizations of their own choosing. Israel has a powerful free trade union movement, the General Federation of Labor in Israel (Histadrut), and a much smaller rival federation. About 80 percent of employed Israelis (including 70 percent of employed Israeli Arabs) are members of Histadrut trade unions or are covered by its collective bargaining agreements. Histadrut is a vast service organization which also runs industries, banks, cooperatives and the country's largest health and child care systems. Histadrut's position as the preeminent representative of Israeli labor predates the establishment of the State of Israel and is not imposed by law. Histadrut's members democratically elect their national and local officers and those of its affiliated trade unions and women's organization, choosing between political party lists. Plant or enterprise committee members are elected individually.

The right to strike is exercised frequently. There is a legal obligation to give 15 days' notice prior to a strike or lockout, unless otherwise specified in the collective bargaining agreement. Strikes often erupt without prior notice or Histadrut authorization, although Histadrut tries to maintain discipline with a central strike fund. The Government occasionally appeals to labor courts for back-to-work orders to restore essential public services while negotiations continue, but these orders are temporary and not always granted. Labor courts include employer and employee representatives. Strike activity in 1989 was relatively low; among the more important strikes were those by employees of Histadrut's health care system and by employees of the Histadrut-owned KOOR Industries.

Palestinian residents of East Jerusalem have the same rights of labor association. While a number of such residents are members of Histadrut, at least 14 Arab unions independent of Histadrut also operate.

Approximately 100,000 nonresident workers work in Israel. Most of them are Palestinians living in the West Bank and Gaza. While the total number of Palestinians working in Israel appears not to have changed significantly from 1988, a number of factors--entry permits required of Gaza workers, general strikes in the territories, and Israeli-imposed curfews--have had serious short-term effects on daily workers and have probably depressed the weekly average of hours worked per worker.

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Nonresident workers cannot be members of Histadrut. They are nonetheless entitled to union representation, and can join, vote for, and be elected to shop-level workers' committees in establishments where they number at least 20 or comprise at least 10 percent of the work force.

b. The Right to Organize and Bargain Collectively

The right of Israelis to organize and bargain collectively is enshrined in law and freely exercised. The majority union (generally Histadrut) is the exclusive bargaining agent. Palestinian residents of East Jerusalem have the same rights under Israeli law. The Arab unions operating in East Jerusalem conduct their own collective bargaining.

Nonresident workers (primarily Palestinians) may not organize and bargain collectively on their own in Israel, but those that work in the organized sector are entitled to the protection of collective bargaining agreements and representation by the bargaining agent. The majority of these workers, however, work outside the legal hiring mechanism and lack this protection.

There are no export processing zones in Israel.

c. Prohibition of Forced or Compulsory Labor

Israeli citizens are not subject to forced or compulsory labor.

d. Minimum Age for Employment of Children

By law, children under age 15 may not be employed. Those aged 15 may not be employed if subject to compulsory education, except during vacations, or in apprenticeships, or with a permit from the Labor Minister under special conditions. The Minister may also allow an artistic performance by a child under 15, with safeguards. Employment of children aged 16 to 18 is restricted to ensure time for rest and education. A Labor Inspection Service enforces these provisions, but enforcement may be lax in smaller, unorganized enterprises. Israeli labor exchanges in the West Bank and Gaza do not permit Palestinians under 17 to be employed in Israel.

e. Acceptable Conditions of Work

Wage income in Israel is generally sufficient to provide workers and their families a decent standard of living. Legislation in 1986 established a minimum wage at 45 percent of the average salary, calculated periodically. An October 1989 adjustment raised it to \$447 a month. Most wages and salaries are established in collective bargaining agreements. The Labor Minister frequently uses the 1957 collective agreements law to extend private-sector wage settlements to the public sector and sectoral wage settlements to other, uncovered enterprises. Along with union representation, the Labor Inspection Service effectively enforces labor, health, and safety standards in the workplace.

By law, maximum hours of work at regular pay are 47 hours per week, 8 per day, and 7 the day before the weekly rest, which must be at least 36 consecutive hours and should include the Sabbath. Exceptions may be approved by the Labor Ministry but may not exceed 10 hours per day, or an average of 47 hours per week. By national collective agreements, the public sector moved to a 5-day, 42.5-hour week in April 1989, while the

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private sector established a maximum 45-hour week in August 1988 and an April 1990 deadline for all firms to institute the 5-day week.

Palestinian residents of East Jerusalem have the same rights under Israeli law and union contracts and are entitled to the same working conditions as Israelis.

About 33,000 of the West Bank and Gaza Palestinians working in Israel enter the job market legally through Israeli employment service labor exchanges in the West Bank and Gaza. Employers pay wages and social contributions for these workers to the service, which deducts taxes, employee social contributions, and a 1-percent union fee, and pays the balance to the workers. The same percentage is deducted from the pay of Palestinians working legally in Israel as is deducted from the pay of Israeli workers for social contributions. However, they do not receive the same benefits from the National Insurance Institute (NII, similar to U.S. social security), because many NII benefits require residence in Israel. The NII provides commuting workers with workers' compensation for occupational injury or illness and employer bankruptcy insurance. These workers are also entitled to maternity benefits, including free hospital care and 12 weeks' paid maternity leave, but only for births in hospitals in Israel. Nonresidents are ineligible for NII old-age, survivors', and disability pensions, unemployment compensation, or insurance for long-term care or injury in nonoccupational accidents. They are also ineligible for NII children's allowances, funded only by employer contributions, and for NII-administered welfare programs funded by Israeli taxpayers through the budget.

Because of these restrictions, only 1.2 percent of nonresident Palestinian workers' pay goes to the NII, compared to 5.35 percent for an Israeli. The other 4.15 percent is an equalization deduction which was established to keep labor costs equivalent. This amount goes to a special finance ministry fund to be earmarked for social and development expenditures in the West Bank and Gaza. Palestinians estimate that this amounts to hundreds of millions of dollars since 1970 and claim that the Government of Israel has not accounted for its use of the funds. Expenditures for the territories are reviewed by the Knesset Joint Committee for Defense and Finances, but are not made public.

A report issued in December by the International Confederation of Free Trade Unions (ICFTU) on the social and economic conditions of West Bank and Gaza workers recommends that the social security system be revamped so that those who work in Israel are able to receive full social benefits or else be reimbursed for the value of their contributions which are deducted from gross wages.

Nonresident Palestinian workers who are legally hired are covered by the minimum wage law and by the larger system of social benefits granted through collective bargaining agreements. They are entitled to receive a pension through the Labor Ministry at age 65 after at least 10 years' employment in Israel, based on earnings and years worked, which is equivalent to Histadrut pensions granted to Israelis. They are also entitled to sick leave, severance pay, and paid vacations of 14 to 28 days per year, by law as well as by Histadrut contract.

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Histadrut has sought to defend the rights of nonresident Palestinians who were dismissed for absences during the uprising, maintaining that military curfews and community-wide strikes are beyond their control. Histadrut has not been able to get large numbers reinstated but has worked to get many their severance pay. The labor federation has used plant-site visits, Arab-language broadcasts, fliers, and workplace posters to inform nonresident Palestinians of their legal rights and benefits. Histadrut began holding seminars on worker rights in 1988 for employees recruited through West Bank and Gaza labor exchanges.

The majority of the nonresident Palestinians who work in Israel bypass the employment service hiring system, thereby losing social benefits but also avoiding taxes and social contributions for themselves and their employers. Their wages and working conditions are often below Israeli legal standards, particularly in seasonal agriculture and small restaurants, garages, and construction sites where many work. Enforcement of minimum wage laws is not stringent. In 1989 the employment service carried out stricter enforcement of the requirement that they be hired through labor exchanges, but this has not halted the trend toward more Palestinians working in the informal sector. Employment service inspectors have begun fining employers \$250 per illegally hired worker as an alternative to long drawn-out criminal court complaints.

According to the regulations, nonresident Palestinian workers are not allowed to stay overnight in Israel without a permit. The pressures of strikes in the territories, the occasional closure of the territories, and Palestinian activist efforts in Gaza to resist Israeli imposition of entry permits for all Gaza workers have induced more Palestinian workers to stay overnight in Israel illegally, often in substandard conditions. In practice, relatively few of the estimated thousands who regularly stay overnight are detained by the police. However, police have recently stepped up efforts to enforce the law against those workers who lack overnight and entry permits.

The 1989 report of the ILO Director General reviewed the situation of nonresident Palestinian workers in Israel. It reiterated its recommendations for action to combat illegal employment and eliminate inequalities with respect to benefits, working conditions, and job security. It called for restructuring the system of benefits so that workers' contributions would be used strictly for social security programs and not for other purposes.

THE OCCUPIED TERRITORIES

This report differs from most other reports contained in this volume in one fundamental respect: whereas other reports describe the relationship between the government and the governed in countries over which the governments in question exercise sovereignty, this report deals with lands under foreign military occupation. The lands now known as the "occupied territories" were occupied by Israel in the 1967 War. Israel has not been recognized to have sovereign rights over any of the occupied territories: the West Bank, the Gaza Strip, the Golan Heights, and East Jerusalem. Regarding East Jerusalem, Israel has asserted sovereignty and annexed it. The West Bank and the Gaza Strip are governed under Jordanian and British law, as modified by military orders. Israeli law and civilian administration have been extended to the Golan Heights.

The United States considers Israel's occupation to be governed by the Hague Regulations of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Israel denies the applicability of the Fourth Geneva Convention to the West Bank and Gaza, but states that it observes the Convention's humanitarian provisions in those areas.

Since 1967, there have been episodic but sometimes intense outbreaks of violence within the occupied territories, reflecting Palestinian opposition to the occupation. In December 1987, there was a dramatic outburst of civilian unrest and violence. This has continued throughout 1989 and has been far more widespread and intensive than at any time heretofore. This has led to a severe crackdown by the Israeli Defense Forces (IDF).

The human rights situation in the occupied territories remains a source of deep concern to the United States. Overall, there were more Palestinian deaths in 1989 than in 1988. A total of 432 Palestinians were killed in intifada-related violence in 1989, of whom 304 were killed by Israeli security forces and settlers and 128 by other Palestinians; 13 Israelis, soldiers and civilians, were killed by Palestinians during 1989.

This unrest and violence, known as the intifada, has as its minimum goal the end of Israeli occupation, a goal strongly supported by Palestinians in the West Bank and Gaza. The leadership of the uprising, known as the United National Leadership of the Uprising (UNLU), attempts to direct and coordinate intifada activities. As it developed, groups of young people which have formed in individual localities but are loosely associated with each other and coordinate their tactics have, throughout the occupied territories, enforced business shut-downs and strikes, and directed attacks at Israeli military patrols and Israeli travelers, particularly settlers, whose cars are routinely pelted with stones. Occasionally firebombs have been thrown. The security forces have responded with tear gas, rubber and plastic bullets, and metal bullets.

Israeli occupation authorities have sought to end the intifada through widescale arrests, detention, raids on homes in which suspects were thought to reside, and more severe forms of punishment, including deportation. The rules of engagement of the Israeli Defense Forces provide for the use of force in case of self-defense in life-threatening situations, in the arrest of a suspect to a crime if the suspect resists, and

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dispersing a violent riot which endangers public order or the safety of soldiers. The rules allow the use of live fire only as a last resort and under defined procedures in these circumstances. The guidelines for the use of force stipulate that once force is no longer needed, it should no longer be applied. The Government of Israel makes clear to all forces serving in the occupied territories the need to adhere to the rules of engagement. However, violations of these rules have resulted in death and injuries. Only a relatively small number of such incidents have resulted in prosecution, and the sentences meted out have tended to be light.

An important aspect of the situation in the occupied territories in 1989 has been the significant increase in violence by Palestinians directed at other Palestinians. This has taken a number of forms, including assassinations, other acts of violence, and threats of violence. This took place in an environment influenced by some statements by various Palestinian leaders and the Unified Command promoting violence (e.g., a call by one UNLU leaflet to use knives, hatchets, and Molotov cocktails), tough Israeli security measures, the breakdown in law enforcement against conventional crime, and factional differences among Palestinians. The Unified Command has not disassociated itself from the phenomenon of intra-Palestinian violence but has sought to curb that element not under its control.

The strength of the Islamic fundamentalist Hamas movement has contributed to this intra-Palestinian violence and atmosphere of intimidation. Hamas opposes any reconciliation with Israel, and it would appear that its appeal, albeit still limited to a minority of the Palestinian population, has also shaped intra-Palestinian tensions.

Israel's open, democratic society enables widespread access to data on and investigations of human rights in the territories, notwithstanding IDF restraints applied there. Israel has designated officials in the Ministry of Defense with whom U.S. officials discuss specific allegations of human rights violations.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

Political killing is not condoned by Israel. However, in 1989 there were allegations that Palestinian activists were intentionally killed by Israeli security forces or Palestinians working for them. Israel categorically denied these charges.

Israeli settlers killed 11 Palestinians during marches, patrols, retaliatory raids, and other incidents. The IDF condemned such vigilantism and attempted to stop it. Charges were brought against one settler leader in 1989 for the 1988 slaying of a Palestinian, and he has been on trial. Suspects in other killings were released for lack of evidence after they failed to cooperate with police.

Palestinian attacks against Israeli soldiers and civilians in 1989 resulted in 13 deaths and 196 injuries. The authorities

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investigated these cases and prosecuted suspects in some of them.

During 1989, 128 Palestinians were killed by other Palestinians. Many were also wounded. There has been intimidation against some of those who are employed by the Civil Administration, and, in some cases, against some of those who have expounded the need for political compromise. Among those killed this year were a number of Arab policemen or local Arab village officials. Israelis state that a number of the victims of intra-Palestinian violence have been killed for seeking to express moderate views. Many of the victims were working with the Israeli security authorities, and Palestinians claim that some of them were armed and provided information leading to arrests of uprising activists. Palestinians state that other victims were habitual criminals or people killed due to private disputes.

Some of these attacks and acts of intimidation were carried out by young Palestinian activists, often masked, who were members of the "strike forces" which enforce directives relating to the conduct of the uprising. However, some attackers were members of self-styled Palestinian gangs which operated autonomously. The emergence of gangs called the Red Eagles and Black Panthers in Nablus in the northern West Bank has been a new development of concern both to Israelis and to most of the Palestinian community; these gangs and other individuals have also engaged in acts of violence as vendettas or as settling scores not connected with the intifada.

(For further discussion of casualties, see Sections l.c. and l.g.)

b. Disappearance

Israel does not sponsor or condone disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law, and Israeli authorities assert they do not condone its use in the occupied territories. IDF orders forbid the use of force after the detention of a suspect and the cessation of violent resistance. Nevertheless, reports continue of harsh and demeaning treatment of prisoners and detainees, as well as allegations of beatings of suspects and detainees, including beating during house searches, which is contrary to IDF rules. At least 10 deaths can be attributed to beatings. Palestinians and international human rights groups claim that other cruel practices--including enforced standing in one position for prolonged periods, hooding, sleep deprivation, and cold showers--have continued since being confirmed in the 1987 report of the Landau judicial commission referred to in the 1988 Country Reports on Human Rights Practices. Physical and psychological pressures are particularly severe in incommunicado detention during investigation and interrogation.

Most convictions in security cases are based on confessions. An attorney is normally not allowed to see a client until after interrogation is completed and a confession, if obtained, has been made. Individuals may be held up to 14 days after arrest before the International Committee of the Red Cross (ICRC) is permitted access, which is often delayed.

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According to IDF figures, 9,138 Palestinians were being held in IDF prison facilities as of January 1, 1990. Two military detention centers were added to the nine existing facilities. The Ketziot detention facility was expanded and improved, but serious overcrowding continued. Conditions at military detention facilities varied. Several prison riots and hunger strikes protesting conditions occurred. In March a prisoner in Gaza died while under Shin Bet interrogation. An Israeli investigation concluded that the cause of death was natural (an ulcer), and there is no presumption of mistreatment. The investigation also held that lax supervision may have contributed to the death, and a medical orderly has been disciplined. Another prisoner in Gaza died December 19 under interrogation in Shin Bet custody. An official autopsy concluded that death was caused by internal stomach bleeding brought on by a blow. Israel initiated an investigation into this incident.

d. Arbitrary Arrest, Detention, or Exile

No new deportation orders were issued in 1989, but 26 Palestinians (including 5 journalists and 5 labor leaders) were deported in 1989, many after a lengthy appeals process up to the Israeli High Court of Justice, under deportation orders issued in 1988. Two others avoided formal deportation by signing agreements to remain abroad and avoid political activities for 5 years. The deportation process is characterized by a lack of formal charges and the use of secret evidence not disclosed to the suspect or his attorney. The United States considers deportations to contravene Article 49 of the Fourth Geneva Convention. The Israeli High Court of Justice has not accepted this view.

Palestinians under deportation orders may appeal to the Israeli High Court. The Court has overturned no deportation orders.

Administrative detention for alleged security reasons without formal charges was widespread in 1989. Israel maintains that administrative detention is used only against persons engaged in activities threatening security; however, in a number of cases persons appear to have been detained for nonviolent political activities. While the number of administrative detainees at any one time varies, IDF figures indicate that the number was 1,271 as of January 1, 1990. Most were detained under a 6-month order, although many orders have been renewed for a second or third time. In August the maximum length of detention under orders was extended to 12 months.

District military commanders may order administrative detentions without formal charges. A detainee may appeal the order to a military judge. Only a small percentage of orders is overturned on appeal. Secret evidence, not made available to detainees or their attorneys, is often used to support administrative detention orders. Rulings by military judges can be appealed to the High Court, which may review secret evidence, but there have been no reversals. According to the IDF, approximately 30 percent of detention orders were shortened or canceled on appeal in 1989 after portions of the detention period were served.

The authorities continued to transfer detainees and prisoners convicted of security offenses from the occupied territories to facilities in Israel, particularly the Ketziot detention camp in the Negev Desert and Megiddo Prison near Afula in

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northern Israel. Such transfers, in the view of the United States, contravene Article 76 of the Fourth Geneva Convention. However, the Israeli High Court dismissed a 1988 petition brought by Ketziot detainees and held that the Convention's provisions could not be enforced by an Israeli court since they had not been enacted into Israeli law.

Any soldier can arrest without warrant a person who has committed, or is suspected of having committed, a criminal or security offense. Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges, although these rights are sometimes delayed. Individuals may be held in custody without a warrant for 96 hours, and may be held without formal charges for up to 18 days. The normal pretrial detention period is 60 days. A high court judge may approve unlimited 3-month extensions. Security detainees are usually denied bail and are routinely held without access to counsel for 18 days. Access may be denied indefinitely if officials believe granting it would impede the investigation. Many security suspects are arrested without warrants and may be so held for up to 96 hours. Denial of notification of arrest to immediate family members, attorneys, and consular officials is common and under law can be extended for up to 14 days. Incommunicado detention for a period of 8 days is permitted with a court order. Detainees are often not told the reasons for their detention. In September Israel announced improved family notification procedures. However, the problem of delayed notification continued.

e. Denial of Fair Public Trial

Palestinians accused of nonsecurity offenses are tried publicly in local courts by Palestinian judges, except where jurisdiction has been transferred by military order. Palestinians accused of security offenses, which are broadly defined and, as administered, cover Palestinian nationalist activity of a nonviolent character, are tried in Israeli military courts before panels composed of one or three judges. Charges are brought by military commanders. Suspects are entitled to counsel. In 1989 there were long delays before trial because military courts were overburdened by the large number of uprising-related security cases. An increased number of judges and prosecutors was inadequate to cover the workload.

Most military trials are public, though access is controlled and in some cases limited. Consular officers are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Acquittals are very rare in security cases. Most convictions in military courts are based on confessions. The absence of bail, long pretrial delays, and physical and psychological pressures increase the likelihood of confessions. These are usually recorded in Hebrew, which many defendants are unable to read.

In April a military appeals court staffed by active duty and reserve military officers was established with branches in the West Bank and Gaza. Appeals from decisions by three-judge panels may be brought by the defendant or the prosecution. Cases heard by single-judge panels, which can impose prison sentences of up to 5 years, may be appealed only with the permission of the court. According to Israel's Judge Advocate General, the court heard 25 cases through mid-October in which it accepted 15 defense appeals and 7 prosecution appeals.

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Nonjudicial administrative orders of the military government may be appealed to area military commanders and to the High Court. The court almost never reverses Civil Administration or military orders based on security considerations.

Israeli settlers in the occupied territories accused of security and ordinary offenses are tried in the nearest Israeli district court under Israeli law. These courts are presided over by professional judges, and standards of due process and admissibility of evidence are stricter than in military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Military authorities may enter private homes and institutions without a warrant in pursuit of security objectives. Forced entries, which are a regular part of IDF operations, have resulted in beatings, destruction of property, and arrests. Military orders also authorize the authorities to occupy buildings, or parts of buildings, as military observation points. Security officials frequently questioned Palestinians about their political views, and temporarily detained people. Demolition and sealing are nonjudicial administrative punishments ordered by the area military commander. Demolition and sealing of houses in the occupied territories are carried out pursuant to Article 119 of the Defence (Emergency) Regulations of 1945. Under the regulations, military commanders may order the demolition or sealing of any house from which they suspect a firearm has been discharged or bomb thrown, or any house situated in an area, town, village, quarter, or street the inhabitants of which they are satisfied have committed offenses against the regulations. The Israeli High Court ruled in January that houses of stone-throwers could be demolished. In July the High Court ruled that houses rented by offenders could be demolished and that owners have 48 hours to appeal a demolition order to the area military commander, who can waive this right in cases of "operational military need." Final appeals can be made to the High Court. The High Court has delayed orders but has not overturned any of them. In 1989, 170 Arab houses were demolished or sealed for security reasons (88 demolished, 82 sealed).

Owners are not allowed to rebuild, making the punishment one of indefinite duration. House demolition as punishment is enforced only against Arab residents of the occupied territories. The United States believes demolition and sealing as punishment of families contravenes the Fourth Geneva Convention. Israel, however, holds that the Convention permits demolition under imperative military considerations. The Israeli High Court has ruled that demolition is lawful in certain circumstances.

Mail and telephone conversations are sometimes monitored. Telephone service to specific areas is sometimes interrupted by the authorities.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

While the rules of engagement set forth the limits within which force may be used, there were nonetheless a number of instances in which these limits were exceeded. IDF regulations permit use of live fire only when soldiers' lives are in real and immediate danger, to halt fleeing suspects, or

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to disperse a violent riot. Only a specific attacker may be fired on; fire is to be directed at legs only; and fire may be directed at a fleeing suspect only if a serious felony is suspected, and as a last resort. Rules of fire were expanded in 1989 to allow firing at any fleeing masked individual. Soldiers may fire high-velocity ammunition only after exhausting other methods, including tear gas, rubber bullets, and warning shots.

IDF guidelines often were not followed, resulting in avoidable deaths and injuries. Most Palestinians were killed by high-velocity rounds shot by the IDF or border police in the course of incidents involving stones, firebombs, and fleeing suspects. Many deaths and wounds were from bullets in the head or upper body. Misuse of plastic and rubber bullets continued to result in death and serious injury. In January noncommissioned officers were authorized to fire them. Tear gas was occasionally used in houses and enclosed spaces in violation of instructions for its use, which can be potentially lethal.

Estimates vary of the number of casualties from violence in the occupied territories. Figures compiled from press, Palestinian, hospital, international organization, and Israeli government sources indicate that in the occupied territories a total of 432 Palestinians were killed in 1989 (including the casualties already described in Section 1.a.: 11 Palestinians killed by settlers, and 128 Palestinians killed by other Palestinians). Estimates of the number of Palestinians wounded varies from over 5,000 to up to 20,000. As also reported in Section 1.a., 13 Israelis were killed by Palestinians and 196 injured in the occupied territories during 1989.

According to the IDF, 435 cases of IDF conduct were investigated in 1989, of which 47 resulted in court-martial; some were dropped for lack of evidence, and others were sent to unit commanders for disciplinary action below the level of court martial. However, regulations often were not vigorously enforced, many cases of unjust killing did not result in disciplinary action, and punishments often were lenient. In May four members of an elite IDF unit were cleared of manslaughter charges and convicted on reduced charges of "causing grievous bodily harm" in the 1988 beating death of a Gazan. The court found their officers had issued "manifestly illegal orders" in authorizing the beatings, but there was no prosecution of the officers. The 9-month sentences of the soldiers were later commuted to 6 months. The High Court of Justice on December 24 ordered the court-martial of an IDF colonel, who had resigned after the IDF had severely reprimanded him for ordering the breaking of bones of detainees. The IDF Judge Advocate General's office announced December 25 that another IDF colonel would be court-martialed for having shot to death a Palestinian resident of the Bureij refugee camp in Gaza. The official investigation of an incident in Nahalin in April 1989, which had resulted in five Palestinian deaths, acknowledged serious errors. Several Israeli security personnel involved in Nahalin were transferred and disciplined.

There were several controversial incidents in 1989 involving the entry by Israeli security forces into Palestinian hospitals and clinics. Israel denies that it interferes with medical services and supplies as a matter of policy but acknowledges that at times its security forces enter hospitals

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to pursue and arrest fleeing rioters or those suspected of security offenses. It denies allegations of mistreating patients or staff and asserts that Palestinians use hospitals as refuges for uninjured rioters. Palestinians deny this and charge that security forces in some cases used tear gas and beat patients and staff, in contravention of international law. Palestinians allege that security forces at IDF roadblocks deliberately held up ambulances transporting wounded. Israel charges that ambulances are used to transport uninjured security suspects.

Israel, in response to a tax boycott, imposed a siege on the West Bank town of Beit Sahour. All access to the town was blocked for over 40 days, during which Israeli authorities seized merchandise and vehicles to pay outstanding tax bills. Israel claims these actions were justified by the tax boycott. Palestinians claim that certain Israeli tax practices are inconsistent with international law, including the imposition of a value added tax (VAT) and other taxes which did not exist before 1967, the summary seizure of private property, and Israel's failure to address whether the tax revenues were being utilized for the benefit of the population of the occupied territories.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

East Jerusalem is an active center of Arabic publication, including newspapers. There is no press elsewhere in the occupied territories. The Israeli authorities imposed tight restrictions on the Arabic press, citing broadly defined security reasons. Publications in East Jerusalem must submit to the military for prior censorship all copy relating to the security, public order, and safety of Israel and the occupied territories. Some reports and editorials related to the uprising and Palestinian political goals were permitted, but articles and editorials were routinely expurgated. Arabic translations of uprising-related news stories which had previously appeared in the Hebrew language press were routinely censored from the Arabic press.

The display of Palestinian political symbols, such as flags, national colors, and graffiti, is punishable by fines, detention, or imprisonment. According to the IDF, very few persons were sentenced in 1989 solely for displaying nationalist symbols, although this charge may be levied along with other more serious charges for violent activity. Public expression of support for the Palestine Liberation Organization (PLO), its component factions, Muslim extremist groups (such as Hamas), and other banned organizations is prohibited.

No broadcast media originate from the occupied territories. The authorities have jammed inflammatory radio broadcasts from neighboring countries. In August the use of fax machines in the Gaza Strip was banned. A military order closing a prominent Palestinian press service was renewed, and two other Palestinian press services were closed.

For alleged security offenses, Israeli security authorities administratively detained at least 20 journalists, interrogated numerous others, and raided newspaper offices.

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A permit is required for publications imported into the occupied territories. Imported materials may be censored or banned for anti-Semitic or anti-Israeli content or support of Palestinian nationalism. In addition to temporary restrictions on individual publications, there were temporary bans on the distribution of all East Jerusalem Arab newspapers in the West Bank and Gaza on four occasions. Possession of banned materials, such as uprising leaflets, is punishable by fine and imprisonment. The IDF periodically declared all or parts of the West Bank and Gaza closed military areas, one primary effect of which was to exclude journalists except under military escort. Reports by foreign journalists are subject to censorship under a system of self-regulation.

Israel kept all Palestinian universities in the West Bank and Gaza closed throughout 1989, allegedly because they were contributing to violence. The vocational, secondary, and elementary schools in the West Bank, closed in January, reopened in July and August but were closed again in mid-November. Schools in Gaza and East Jerusalem were open for most of the school year. Alternate, off-campus classrooms organized by parents and teachers were banned on security grounds, although some continued to operate.

b. Freedom of Peaceful Assembly and Association.

Military orders ban public gatherings of 10 or more people without a permit. (No permits were requested in 1989.) Political parties and other groups, including some labor unions, viewed as political are banned. Private organizations must be registered, though some operate without licenses.

Palestinian charitable, community, professional, and self-help organizations were permitted to operate unless their activities were viewed as overtly political or supporting the uprising. Persons involved in such activities were arrested, interrogated, administratively detained, or denied permission to travel.

c. Freedom of Religion

Freedom of religion is respected in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are observed. Both faiths operate schools and institutions (although religious schools were subject to the same extended closure as other West Bank schools). Religious publications circulate subject to the laws for publications detailed in Section 2.a.

In the wake of a demonstration in the al-Aqsa mosque area in Jerusalem, which resulted in some worshipers at the Western Wall below being pelted with stones, the Israeli authorities restricted access to the Al-Aqsa mosque during the Muslim holy month of Ramadan and the Id al-Adha holiday. Security forces raided mosques and confiscated mosque loudspeakers, claiming security reasons. There was no indication that such raids or arrests of Muslim clergy were directed at religious freedom but rather at political or security-related activities.

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation

Freedom of movement was restricted periodically in the West Bank and Gaza by IDF curfews, which were often prolonged to discourage protest activities. Hundreds of curfews, some

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lasting several weeks, were imposed. During curfews, people were usually allowed to leave their houses to obtain food and medical care for short, defined periods. These curfews caused severe hardship.

All residents of the West Bank and/or Gaza were sometimes prevented from traveling to East Jerusalem or Israel. Peace advocacy groups from Israel were sometimes forbidden to visit Palestinian villages, for alleged security reasons.

Thousands of Palestinians in the occupied territories travel abroad each year. Israel imposed travel restraints on some political activists and on family members of some deportees. There were cases in which young men were denied permission to travel unless they agreed to remain abroad for an extended time. Exit travel permits were delayed for some Palestinians returning abroad for work or study after visiting relatives in the occupied territories. According to figures from the Islamic Waqf, which supervises mosques and Islamic properties in the occupied territories, over 90 percent of the Muslims who applied were permitted to make the hajj. Palestinians claim that those denied permission were denied because of nationalist activity.

There are no obstacles to emigration. Israel sometimes refuses to renew laissez-passers of Palestinians from the occupied territories who live or work abroad on the grounds that they have abandoned their residence, even though they may not have acquired foreign citizenship. Palestinians who obtain foreign citizenship are ordinarily not allowed to resume residence in the occupied territories. They are permitted to return as tourists only and sometimes are denied entry entirely. Enforcement of the 3-month limit for tourist visas for stays by Palestinians is uneven.

Entry or residency permission is frequently denied spouses, relatives, and children following the emigration of the head of the household. According to press reports, at least 100 spouses were deported for lack of residence permits in 1989. Persons who marry Palestinians in the occupied territories generally are not allowed to take up residence there. Israel has also denied the return of former West Bank residents who were not present in the territories, for whatever reason, at the time of the 1967 census.

Requests for family reunification far exceed the numbers of those granted. Palestinians say thousands of family reunification requests are pending. According to the Government of Israel, in 1988 and 1989 a total of 3,266 family reunification applications were filed for the West Bank, of which 695 were approved. For Gaza, 278 applications were filed in 1988 and, through July 1989, 219 were filed. Figures on the number approved for Gaza are not available. Israeli officials acknowledge that family reunification is limited for demographic and political reasons and assert that the laws of occupation do not require Israel to permit immigration into the territories. Restrictions on residence, tourist visas, reentry, and family reunification do not apply to Jews resident in the occupied territories, whether or not they are Israeli citizens.

THE OCCUPIED TERRITORIES**Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.**

The West Bank and Gaza are ruled under occupation by Israel's Ministry of Defense through a military governor and civil administration. Palestinians have no means to participate in significant policy decisions concerning land and resource use and planning, taxation, trade, and industry. Municipal elections were last held in 1976 in the West Bank, and most mayors elected then were later dismissed on security grounds. Palestinians appointed by Israel have filled most vacancies. Some appointed mayors have resigned or stopped working because of the uprising and, in some cases, threats from other Palestinians. One Israeli-appointed municipal secretary was killed by other Palestinians.

East Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections but have largely boycotted them. In the 1989 Jerusalem elections, less than 5 percent of Jerusalem's Arab population voted.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Israel normally permits international human rights groups to visit the occupied territories. Israel cooperates with a number of such organizations, and officials are generally available for meetings on human rights issues. However, some of these organizations often complain that Israel's responses are inadequate, not all inquiries receive answers, and some groups' requests for meetings with officials or access to detention facilities are denied.

Many local groups--Israeli, Palestinian, and mixed--are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories. They are allowed to hold press conferences. Individuals working for a prominent Palestinian legal rights organization were detained, beaten, prevented from traveling freely, and harassed at military checkpoints.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Israeli settlers in the occupied territories are subject to Israeli law, while Palestinians live under military occupation law. Under the dual system of governance applied to Palestinians--both Muslim and Christian--and Israelis, Palestinians are treated less favorably than Israeli settlers on a broad range of issues, including the right to due process, right of residency, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Israeli settlers involved in security violations have been treated far more leniently than Palestinians guilty of similar offenses. Offenses against Israelis are investigated and prosecuted more vigorously than offenses against Palestinians. Israelis have residency rights in the occupied territories under Israel's Law of Return, regardless whether they have foreign nationality.

Israel continued to place land under its control for military purposes, roads, settlements, and other purposes which restrict use by Palestinians and discriminate in favor of

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Israeli settlers against Palestinians. Palestinians do not participate in the Higher Planning Council, which plans land use in the occupied territories and exercises planning powers transferred from local, municipal, and village councils in 1971. Issuance of permits to Palestinians for house construction is tightly restricted.

The Israeli Civil Administration provides basic services. In 1989 such services were sharply reduced due to the economic disruption caused by the uprising and a Palestinian tax boycott. There was no public accounting of revenue and expenditure.

Palestinians and persons of Arab descent entering the West Bank via the Jordan River bridges, regardless of citizenship, are subject to extensive searches, and many complain of harsh or humiliating treatment. Israel limits the funds visitors or residents may bring into the occupied territories for Palestinian use to about \$300 per person per month unless Israeli authorities grant permission in advance. There are no limits on funds for Israeli settlers.

There is no legal discrimination against women. Violence against women is not legally condoned. The participation rate of women in the labor force is low, and exists primarily in traditional professions and occupations, although there are exceptions. Women's societies flourish and play an important social role.

Section 6 Worker Rights

The applicable sections for West Bank and Gaza Palestinians working in Jerusalem and Israel are contained in the country report for Israel. Palestinian residents of East Jerusalem have the same rights and are governed by the same law as workers in Israel.

a. The Right of Association

The labor law in force in the West Bank is Jordanian Law No. 21 of 1960, as amended by military orders. It permits workers to join unions without prior government authorization. It also permits the formation of unions by any group of 20 or more workers from the same trade or workplace, with prior government authorization. The International Labor Organization (ILO) Director General's report has noted that the Israeli authorities have approved no applications since 1979. No petitions were submitted in 1989. Out of approximately 90 unions functioning in the West Bank, 31 are licensed.

Israeli authorities, citing security concerns, actively discourage union activities in the West Bank. The authorities state that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Israel claims that no legitimate union activities are disrupted and that its actions are intended to prevent illicit political activity.

More than 100,000 West Bank Palestinians, representing a full range of blue-collar and white-collar professions, were members of approximately 90 trade unions in 1989. Unions belong to one of three organizations, all calling themselves the General Federation of Trade Unions in the West Bank (GFTU). The largest GFTU claims membership in the

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International Confederation of Arab Trade Unions (ICATU), although the Tunis-based Palestinian Trade Union Federation (PTUF) is ICATU's affiliate of record. Two GFTU's have applied for membership in the International Confederation of Free Trade Unions (ICFTU). There is no connection between any of the West Bank unions and the Government of Israel or the Israeli Histadrut Labor Federation.

Military Order (M.O.) 825 of 1980 requires that Palestinian unions present lists of candidates for union office to the Civil Administration (CIVAD) for approval 30 days before elections. CIVAD has said that it will enforce M.O. 825 by disallowing the election of candidates not approved in advance. The order authorizes the CIVAD to remove from the lists any candidates who have been convicted of a felony or misdemeanor. Because Palestinian trade unionists fear that the CIVAD will use the order to exclude those candidates who have served in administrative detention, they refuse to adhere to the order.

Like all organizations and individuals in the occupied territories, Palestinian labor organizations are subject to disciplinary measures for engaging in political activities. The premises of the GFTU in Nablus remained closed on the grounds they had been used for political rather than union activities. Union-related meetings of 10 or more persons must have the prior approval of the CIVAD.

There has been no dissolution of unions by administrative or legislative action. Under prevailing labor law, unions have the right to strike only after submitting a complaint to the CIVAD for mandatory arbitration. No strikes have been authorized under this procedure. However, authorities have not interfered with unauthorized strikes called over strictly labor issues. More than 20 such strikes took place in the West Bank in 1989.

Union leaders have been among those detained for alleged security offenses. GFTU leaders have been denied permission to travel to ILO conferences, but they and their representatives have been permitted to travel abroad at the invitation of labor organizations in other countries. Delegations from the ICFTU and foreign trade unions, in addition to the annual ILO mission, visited the West Bank in 1989 and met with the GFTU leaders.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected. The CIVAD does not record collective agreements because some unions and/or their leaders are not legally recognized. However, most union-employer agreements are honored without interference from the authorities. The only legal forum for labor grievances in the West Bank is the CIVAD's military court system. Palestinians view the system as unsympathetic and prefer to use the traditional technique of mediation by community notables. There are no export processing zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the occupied territories. Under existing law applicable to the occupied territories, there is no statutory ban on forced labor.

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Forced labor is, however, banned (except under certain exceptional circumstances) by the Fourth Geneva Convention.

d. Minimum Age for Employment of Children

A 1978 military order raised the minimum working age in the West Bank and Gaza to 14, and there are no known instances of child labor in industry or construction.

e. Acceptable Conditions of Work

In the West Bank, Jordanian law allows a maximum workweek of 48 hours, except for certain hotel, food service, and cinema employees, whose workweek is 54 hours. In Gaza, Israeli authorities amended this law to provide for a 45-hour workweek for day laborers and a 40-hour week for salaried employees. There is no effective enforcement of maximum workweek laws. There is no minimum wage provision in the West Bank or Gaza. The Ministry of Labor's inspection service is charged with enforcing health and safety standards in the West Bank and Gaza, but no inspections take place.

JORDAN

Jordan is a hereditary monarchy with a constitution granting the King broad powers. The King forms and dissolves governments and is the ultimate arbiter of policy. The Prime Minister and the Council of Ministers (Cabinet) exercise considerable responsibility for many issues. The Constitution also provides for a bicameral parliament and an independent judiciary. New elections for the Parliament, which was dissolved in 1988, were held on November 8, 1989.

Martial law has been in effect since the 1967 war against Israel, which ended with Israel's occupation of the West Bank. Under martial law, the General Intelligence Directorate (GID) and Public Security Department (PSD) have broad powers to monitor segments of the population that they believe might pose a threat to the security of the regime. Certificates of good conduct from the GID are needed for all public sector jobs, and for many private sector jobs as well. The GID must also approve any public gatherings or activities sponsored by private clubs and organizations. Under martial law, some detained persons have been denied the opportunity to communicate with their families or attorneys for varying periods, sometimes for several months.

Jordan has a mixed economy, with government participation in certain sectors, largely in communications, transportation, and heavy industry. Jordan has limited natural resources but in the past has received up to \$2.5 billion annually in workers' remittances and financial grants from its Gulf neighbors. It now faces severe budgetary constraints as these revenues have fallen off sharply along with the price of oil. Currency depreciation and steep increases in the cost of living combined to create a public furor which culminated in disturbances in April 1989. As one result of the unrest, Prime Minister Rifa'i resigned and a new Cabinet was named, headed by Sharif Zaid Ben Shaker.

The new Government is committed to economic restructuring and export-led growth and development, and moved quickly to implement an International Monetary Fund (IMF) economic adjustment program that aims at reducing government spending and stimulating the development of Jordan's private sector in order to offset the decline in foreign assistance and remittances.

After the November elections, the new Government took several significant steps toward political liberalization, including the release of 48 political detainees, the transfer of jurisdiction over several categories of crimes from military to civilian courts, easing of press restrictions, and elimination of travel and work restrictions imposed under security provisions for political beliefs. However, the absence of political parties, government intervention in the press, the continuance of martial law, and the wide scope of powers exercised by the police remain as important human rights concerns.

JORDAN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The Government does not sanction political killing. While there have been political killings by nongovernmental groups in the past, there were none in 1989. Summary executions do not occur in Jordan.

b. Disappearance

No disappearances were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Jordanian law provides for the decent treatment of prisoners, and judicial authorities have been known to dismiss cases based on apparent mistreatment of prisoners. However, there are occasional reports of ill-treatment of detainees by the security authorities. The Director of Public Security maintains a special office to handle any public complaints of abuse by security officers.

Prison conditions are Spartan by Western standards, but not intentionally degrading. Jordanian authorities hosted a penal foundations conference in August 1989, in part to exhibit their new rehabilitation center at Al Swaga. The center is the focus of a 3-year effort to upgrade prison facilities, manifesting the reorientation of incarceration in Jordan from simple removal from society to actual rehabilitation. All prisoners are accessible to the International Committee of the Red Cross, which regularly inspects all detention facilities. Amnesty International (AI) published reports of ill-treatment of arrestees by security forces following the disturbances in April. AI said some prisoners were beaten and one woman was beaten, insulted, and held with those incarcerated for criminal offenses. In its 1989 report covering 1988, AI noted that it had received new reports of the torture of political prisoners.

d. Arbitrary Arrest, Detention, or Exile

Although Jordan has been under martial law since 1967, most persons are placed in custody by Jordanian authorities in accordance with the criminal code, which requires imposition of charges within 48 hours. Persons may then be detained pending trial for 15 days, or longer if a court approves the prosecution's request for an extension. The criminal code is generally applied to persons arrested for designated martial law crimes, which include espionage, bribery of public officials, trafficking in narcotics or weapons, black-marketing, and security offenses. In the past, security forces have apparently detained incommunicado (or with limited outside access) some persons suspected of cross-border infiltration and security crimes.

The GID can detain a person without trial for varying periods. However, under martial law provisions, such arrests should be confirmed within a maximum of 15 days by the Prime Minister or by local administrators serving as military governors. Security detainees can be held without charge for

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indeterminate periods or can be formally charged and brought before the martial court for trial.

In 1989 up to 70 persons were in detention for 4 months after the disturbances in April. None was charged. In early September, all but four were released. In December the Government released 48 political detainees.

A petition for judicial review of the legality of the arrest of any detained person may be brought before the High Court of Justice but is unlikely to be granted in security cases.

Exile is forbidden by the Constitution and is not practiced in Jordan. For a discussion of forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All criminal cases, except martial law crimes and crimes committed by military personnel, are tried in civilian courts. The legal code and the independent selection of judges help to assure a fair trial. Trials are held in open court, except in a few cases such as those involving sexual offenses. Defendants are presumed innocent until proven guilty and have the right to be represented by counsel, to prepare a defense, to cross-examine witnesses, and to refrain from giving self-incriminating testimony. The court appoints a lawyer for those who cannot afford one if the potential sentence is execution or life imprisonment. An effective appeals process may be utilized by either the defendant or the prosecution, except in those cases tried before the Martial Law Court, which has no provision for appeal.

Civilian judges must demonstrate legal competence in written and oral examinations before selection by a board composed of three judges, the Chief Attorney General, and the Under Secretary of the Justice Ministry. A procedure exists for disciplining judges accused of serious transgressions of the law, i.e., "bad conduct." Penalties for those found guilty range from payment of fines to removal from office.

Martial law crimes are adjudicated in a military court before a panel of three military officers trained in the law. In practice, the military court observes the law of criminal procedure and defendants are given the same rights as in a civilian court. However, AI has expressed concern that trials by the Martial Law Court "fell below international standards for fair trial." No right of appeal exists from decisions of the military court; however, sentences of the court for martial law offenses must be ratified by the Prime Minister in his capacity as Military Governor. He has authority to increase, reduce, or annul the sentences. The cases are reviewed for fairness by a legal advisor or the Justice Minister before the Prime Minister makes a decision. The military court also adjudicates all crimes committed by military personnel. In these cases, the commander-in-chief of the armed forces must ratify the sentences.

In 1989 the Government established a special committee to review the convictions of persons convicted for political offenses. In December it transferred authority over several crimes from military to civil courts; military courts will no longer have jurisdiction over the following issues: violations of the Combating Communism Law; affiliation with, or membership in, an unlicensed or banned political party;

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attacks on government or military officials; violations of orders issued by the military governor; murder for revenge; weapons violations; forgery; and passport fraud.

Religious courts have jurisdiction over most family matters, such as marriage, divorce, child custody, or guardianship. The Shari'a (Muslim religious law) applies to Muslims in these areas, and a Shari'a court system handles disputes. Ecclesiastical courts handle similar matters for members of the main Christian sects. The civil courts administer the cases of other religious groups. Shari'a law, however, must be applied to questions of inheritance for all communities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Jordanian authorities respect the inviolability of the home. Police searches of homes require warrants, except in rare cases involving security or the hot pursuit of fleeing suspects. There are allegations that security personnel sometimes monitor telephones and correspondence, but the practice is evidently not widespread.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the freedoms of speech and press but permits censorship under martial law. Such censorship has become institutionalized over the years, and journalists do not feel free openly to criticize the Government. Jordanians freely express wide-ranging opinions, including criticism of the Government, in informal settings. Public debate is muted in the state-owned radio and television networks. Government ownership of newspapers was raised to over 50 percent during the tenure of Zaid Rifa'i's Government in early 1989. As a result of self-censorship, editorial opinion generally reflects the Government's views. However, reporting of the current economic and financial developments has been exceptionally frank. The media have also begun to address politically sensitive issues, such as the lifting of martial law and the ban on political parties.

The Government frequently provides editors with guidance on key foreign policy and security matters. On other issues, government interference is sporadic and critical commentary, though occasionally tolerated, is limited. Currently, all journalists must register with the Information Ministry and join the Journalists' Association. Foreign newspapers and magazines are widely available, although they are subject to censorship.

On December 11 the Government returned the management of the four major newspaper establishments to their original directors, who had been dismissed in 1988 and replaced by government-appointed management following disagreements between the Government and the press.

b. Freedom of Peaceful Assembly and Association

Public demonstrations require a permit, rarely granted, from the Interior Minister. All organizations require government approval and may not have political objectives. Government surveillance of public meetings, university activities, and organization gatherings is pervasive. Professional

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associations for doctors, engineers, lawyers, pharmacists, and similar professional groups exist. Professionals must join these associations in order to practice. The associations maintain influence with the Government in their respective fields and defend the interests of their members. However, until recently, they have tended to follow the government line. Officers are elected by the membership. Executive committees of clubs are vetted by the GID.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Well over 90 percent of Jordanians practice Islam, the state religion. The Government adheres to the constitutional guarantee of freedom of worship. The approximately 5 to 10 percent Christian minority is indigenous, and holds senior government positions in numbers far exceeding their proportion of the population. There appears to be little discrimination against most religious minorities, who are well represented at all levels in the government, military, and business community. Laws making harassment of religious minorities a crime are enforced. A variety of Christian groups--including Catholic, Orthodox, Armenian, and Protestant--maintain churches, schools, hospitals, and other institutions. A small Baha'i community also exists. A few foreign clergymen reside in Jordan. Although proselytizing among Muslims is forbidden, conversion by Muslims is not a criminal offense.

All religious groups must register with the authorities in order to obtain official permission to operate in Jordan. However, there are instances wherein denominations have failed to register but are nonetheless permitted to meet without harassment.

The only religious group restricted by the Government is the Jehovah's Witnesses. The Government states that it has no objection to the Witnesses' doctrine, but it is illegal for them to organize or assemble in Jordan. The Witnesses' religion prohibits them from taking oaths of allegiance, saluting flags, or serving in the armed forces. These religious restrictions are perceived as evidence that Witnesses are unreliable and disloyal.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within Jordan is unrestricted, except in certain military zones. With a few exceptions (primarily military personnel and reservists who need permission for foreign travel), the Government does not restrict emigration or foreign travel. However, a woman must present the written consent of her husband, father, closest male relative, or male guardian to obtain a passport and may be required to present the same type of permission when she wishes to travel abroad without her husband.

Children may have to present proof of their father's consent to leave Jordan. Citizens who have left Jordan have the right to return. There are no reported cases of revocation of citizenship for political reasons. Some citizens returning to Jordan, particularly those who have traveled to Communist countries, are questioned by the GID. Jordanians may possess dual nationality.

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In December the Government eliminated travel and work restrictions imposed by security provisions respecting political beliefs, and indicated that passports previously held by security authorities would be released.

Jordan has faced a long-term refugee problem from the influx of Palestinians made homeless by the 1948 and 1967 Arab-Israeli wars. According to the most recent statistics, Palestinian refugees and their descendants registered with the United Nations Relief and Works Agency (UNRWA) on the East Bank total 870,490. UNRWA estimates that another 200,000 refugees have failed to register for one reason or another. While these refugees are free to live anywhere, almost 216,000 of them still live in 10 refugee camps scattered across Jordan. The total includes refugees from the 1948 Arab-Israeli war and does not include a large but undetermined number of other persons from the West Bank, Gaza, and Israel who have settled on the East Bank since 1948. All Palestinian refugees residing in Jordan prior to August 1988 can obtain fully valid Jordanian passports. They have the unrestricted right to live, work, and own property in Jordan. Palestinians residing on the West Bank may obtain passports valid for 2 years. The Government also issues temporary Jordanian passports to between 26,000 and 27,000 Gazans resident on the East Bank who can prove they were displaced prior to 1971. Jordan is unique among Arab states in having granted full citizenship to all Palestinians on the East Bank, i.e., to a refugee population exceeding its own indigenous population at the time. The Interior Ministry routinely grants permits for travel between the East Bank and Israeli-occupied territories. Jordan has granted asylum even in cases which have strained relations with neighboring states.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Executive and legislative powers are constitutionally vested in the King, who rules with the assistance of an appointed Council of Ministers. The Constitution may not be amended without the approval of the King. Thus, Jordanian citizens, although constitutionally entitled to elect members of the lower house of Parliament, are not ultimately in a position to change their system of government.

The Parliament was dissolved in 1988 as part of a policy to sever Jordan's ties to the West Bank, but new elections were held in November 1989. Parliament is composed of an appointed Senate and an elected lower house. The Parliament is overshadowed by the executive branch but has the right to propose laws and approve (or reject) treaties and laws proposed by the Council of Ministers. The Parliament also has the right to pass a vote of no-confidence in the Council of Ministers, thus obliging the Prime Minister and his Cabinet to resign. The Constitution also gives the King broad scope to postpone the election of a new lower house or the recall of the previous house. The Government has allowed considerable political activity by "political groups" in preparation for the parliamentary elections. Most municipal and town councils are elected by popular vote. The person receiving the highest number of votes is traditionally confirmed as mayor by the Minister for Municipal Affairs and then by the Prime Minister.

Women were enfranchised in 1973 and may also run for public office. King Hussein appointed female cabinet ministers in

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1979 and in 1984 and has encouraged the participation of women in the political process.

Article 16 of the Constitution allows Jordanians to establish political parties, but such parties are currently outlawed. However, several informal political groups operate openly. All persons seek elected office as independents. Article 18 of the election law amended in 1989 states that candidates may not belong to an unlawful organization, and that "an unlawful organization is one whose principles, goals, and objectives are incompatible with the provisions of the Constitution."

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is generally responsive to inquiries on individual human rights cases. Representatives of foreign embassies and international humanitarian organizations are allowed access to prisoners and detainees. The Government has often responded positively to recommendations from such representatives. In its Report covering 1988, AI reported several instances in which it had communicated its concern to the Government about alleged human rights violations and noted that the Government had "responded to Amnesty International's appeals and inquiries on a number of occasions."

The Jordanian Lawyers' Professional Association, which has a human rights committee, dramatically increased its advocacy on behalf of political prisoners in 1989. Other local organizations and ad hoc groups also occasionally issue statements and petitions on such human rights concerns as Palestinian rights and the ban on political parties. The Jordan Federation for Business and Professional Women hosted an Arab conference on human rights in Amman in April. Jordan has played an active role in the United Nations Human Rights Commission, and the Crown Prince is a cofounder of the Independent Commission on International Humanitarian Issues. The International Committee of the Red Cross maintains an office in Amman and has access to detainees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In general, there is no official discrimination based on ethnicity or religion. Equality between men and women is the legal norm. In practice, however, certain traditions constrain women's freedoms, and entry of women into professional and academic realms, traditionally the preserve of men, can spark resentment and opposition.

Nevertheless, the role of women in society has been changing in recent years. Women now account for half the student body at the elite University of Jordan. Women today comprise roughly 12 to 20 percent of the labor force, compared to 4 percent in 1975. In 1989 the military, for the first time, set up a special basic training course for women, who serve in both the officer and enlisted ranks. An increasing number of women operate businesses and work in such professions as medicine, engineering, banking, and architecture. In 1990 the number of women lawyers in the Bar Association is expected to double, from 90 to 180. However, professional women and women's associations believe that more remains to be done to increase female participation in these areas. There are female police officers, and two Jordanian women fly for Royal

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Jordanian Airlines, which qualified its first female airline captain before any scheduled U.S. airline.

Gauging the extent of physical abuse of women is difficult as it is almost never discussed publicly. The Koran allows a husband to discipline his wife, which could be interpreted, in extreme cases, as a license to discipline with force. Because of this Koranic principle, the issue is considered a personal one, and this view is reflected in the attitude of the police and the judiciary. Sources in the medical field say that while they know wife beating takes place, the victim is constrained by familial and sociocultural norms from seeking outside recourse to assistance, both medical and legal. No statistics are available.

Consular cases involving U.S. citizen wives of Jordanian men confirm that the problem exists and at most levels of society. Technically, wife beating is illegal and grounds for divorce. However, familial and tribal relationships serve to inhibit pressing charges; those same cultural constraints make gathering evidence of abuse next to impossible. Legal sources report that the filing of divorce cases or assault cases by a wife against her husband based on the grounds of wife beating is very rare.

In matters of inheritance and divorce, women are treated differently. Under Islamic law, sons inherit twice as much as daughters. However, the son is required to use his inheritance for the maintenance of his mother and sisters, while a female is free to retain her inheritance for herself. Likewise, a man may obtain a divorce more easily than a woman, but he may be required to pay considerable compensation based on the marriage contract. Women may also gain and retain custody of children until the children obtain their legal majority, but they may lose custody if they remarry or choose to live outside the country.

Section 6 Worker Rights

a. The Right of Association

Jordanians are free to join labor unions. About 10 percent of the Jordanian work force is unionized. Nineteen unions comprise the Jordan Federation of Trade Unions (JFTU). Several other unions do not belong to the JFTU. Unions have almost no political role and confine themselves to representing their membership in such areas as wages, working conditions, and workers' layoffs. Their effectiveness varies widely. The JFTU actively participates in international organizations such as the International Labor Organization. Strikes are only permitted if the Ministry of Labor fails to act to arbitrate a labor dispute within 2 weeks after receiving a complaint from a union. In fact, strikes almost never occur. Strikes are not legal for government employees, who comprise about half of the labor force. United Nations Relief Works Agency employees staged a 1-day strike in August 1989 over pay scales.

b. The Right to Organize and Bargain Collectively

Unions in Jordan have the right to organize and bargain collectively. The unions comprising the JFTU function freely and without government interference or antiunion discrimination, in accordance with Article 23 of the Constitution. In 1988 the JFTU rejoined the International

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Association of Arab Trade Unions (IAATU). The officers of each union, as well as the JFTU executive committee, are elected annually by secret ballot. JFTU member unions regularly engage in collective bargaining with employers. Negotiations cover a wide range of issues, including salaries, safety standards, working conditions, and health and life insurance for workers and their families. If a union is unable to reach agreement with an employer, the issue is referred to the Ministry of Labor for arbitration. Union-employer-government relations are generally tranquil, so arbitration is rarely necessary.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is forbidden by the Constitution and not practiced.

d. Minimum Age for Employment of Children

Children under age 16 are not permitted to work except in the case of professional apprentices, who are allowed to leave the standard educational track and begin part-time (6 hours a day, no night shifts) training at age 13.

e. Acceptable Conditions of Work

Jordan's workers are protected by a comprehensive labor code enforced by a staff of 30 full-time inspectors of the Ministry of Labor. Other Ministry of Labor employees augment the inspection staff on a part-time basis. Duty-free trade zones are in operation at Aqaba and Zarqa, and are governed by the same labor provisions that apply countrywide. The Government prepares and adjusts periodically a minimum wage schedule for various trades, based on recommendations of an advisory panel composed of representatives of workers, employers, and the Government. Maximum working hours are 48 hours per week, with the exception of hotel, bar, restaurant, and movie theater employees, who can work up to 54 hours. Workers are entitled to a weekly day of rest, rest intervals during the workday, 2 weeks' annual paid leave, 2 weeks' annual sick leave, and severance pay. The law specifies a number of health and safety requirements for workers, including bathrooms, drinking water, safety equipment, and first aid equipment. Jordan also has a workers' compensation law. The Government appears to administer and enforce its labor laws fairly.

As part of a campaign to improve occupational and public safety, the Government has created a committee to recommend standards and regulations. The committee conducts public awareness campaigns and is studying international safety practices. Jordan's social security laws cover all companies with more than five employees.

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Kuwait's Amirs, drawn from the al-Sabah family, have governed the country, in consultation with prominent commercial families and other community leaders, for over 200 years. The 1962 Constitution provides for an elected National Assembly and details the powers and relationships of the branches of the Government and the rights of the citizens. However, the Amir can suspend any or all provisions of the Constitution by decree. The National Assembly was dissolved from 1976 to 1981 and again in 1986 when the Amir cited a breakdown in executive and legislative branch cooperation at a time when the nation faced serious economic and security problems. Since then, the Amir has ruled by decree. In addition to suspending the National Assembly, the 1986 decrees imposed prior censorship on the press and added to existing restrictions on the political and civil rights of all Kuwaiti residents. The Government, however, rarely violates the integrity of the individual. There is an independent judicial system.

Kuwait's Ministry of the Interior supervises the country's security apparatus, including the Criminal Investigation Department (CID), which is responsible for ordinary criminal cases, and the Kuwait State Security (KSS), which investigates internal security-related offenses. Both are active in investigations of terrorism and both work in collaboration with the uniformed police. The security organizations can deport foreigners summarily.

The people of Kuwait enjoy a high standard of living, with an estimated per capita gross domestic product of \$10,370 in 1988. Most of the country's income derives from oil production and commercial investment. Despite the emphasis Kuwait places on its open-market economy, expatriates are not allowed to own property or majority shares in significant local businesses and are subject to restrictive labor laws, which were further tightened in 1989.

Kuwait's human rights situation in 1989 continued to be affected by security concerns stemming from the large expatriate population and Iranian-inspired subversion. According to newly revised census figures, Kuwaiti citizens are now a 28-percent minority in their own country, accounting in 1988 for only 535,000 out of a population of 1.9 million. The Palestinian community numbers about 300,000. Although an Iran-Iraq cease-fire took effect in 1988, the Government remained preoccupied in 1989 with the internal security threat, and serious restrictions on the civil rights of both Kuwaitis and non-Kuwaitis, many of them imposed by the Government during the Iran-Iraq war, remained in place. The principal human rights concerns included mistreatment of prisoners (in both security and criminal cases); lack of due process in trials of security cases; restrictions on freedoms of speech, press, and assembly and the right of citizens to change their government; and discrimination and violence against women.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of government-instigated or condoned killings.

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b. Disappearance

There were no reported disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were credible reports of beatings and physical abuse of prisoners in Kuwait's prisons and deportation centers in 1989, including beatings on the soles of prisoners' feet. There were unconfirmed reports again in 1989 that torture was used by state security police to extract information from some of the 22 Shi'a convicted in June of plotting to overthrow the Government.

In routine criminal cases, police and security officials occasionally employ physical violence in apprehending and interrogating persons suspected of committing criminal acts. Non-Kuwaitis are more likely to receive rough treatment than Kuwaitis, as are persons suspected of serious crimes. There were credible reports that an expatriate received a severe beating from local police after he was caught in an illicit sexual relationship with a young Kuwaiti woman. The beating was used to extract a promise of marriage to the Kuwaiti woman in lieu of a jail sentence. Evidence of mistreatment during interrogation is a defense in Kuwait's courts, and confessions or other evidence obtained through torture are not admissible.

By and large, guards treat inmates humanely in Kuwait's prisons, but there have been credible reports of occasional beatings. Kuwait's legal process, based primarily on the Napoleonic code, is also inspired by Islamic law, but punishments such as mutilation or stoning are not permitted.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and imprisonment are prohibited by the Constitution. In 1989 there were no reports of persons being detained for political reasons, and no reports of arbitrary detention. The penal code affirms a person's right to due process and stipulates that a detainee may not be held for more than 4 days without charge. A prosecutor's approval is required for detention periods beyond 24 hours. Thereafter, the suspect must either be released or charged by a prosecutor, who may authorize detention for up to an additional 21 days. Further detention pending trial may be authorized by a judge. Warrants are required unless a person is apprehended in the act of committing an offense. These legal safeguards are generally observed. Bail is commonly set in all cases, with the amount depending on the nature of the crime. Arrests are generally made openly and for specific violations of the law. Reports of incommunicado detention are rare. Roadblocks and spot checks of outdoor gatherings of expatriates, especially of South Asians, are used sporadically by the police during searches for illegal immigrants and contraband liquor. Persons without proper identification may be detained by the police.

No Kuwaiti citizen may be exiled or denied return to Kuwait. However, a noncitizen, even if a long-term resident, may be summarily expelled without charge or judicial recourse if the authorities deem him to be a troublemaker or a security risk. With the passage of a new private sector labor law in March, expatriates are also subject to deportation for attempting to

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change employers before the end of a 3-year period of work for their initial sponsor. Expatriates must leave the country if they are unable to find work after being released from initial employment. Some expatriates have been held in deportation centers for extended periods of time, reportedly up to as long as 5 years, if they are unable to provide for their own transportation out of the country.

The Government reported 5,750 deportations for 1988, but this figure appears not to include the large number of routine deportations for immigration and residency violations which constitute a majority of cases. It is estimated that about 15,000 persons were deported in 1988 and estimates for 1989 range up to 25,000. These numbers correlate with official figures showing a decline in the number of expatriate workers employed in the public sector, tighter restrictions on expatriates employed in the private sector, and a concerted effort in 1989 to regularize the residency status of those whose claims to residency as "stateless" persons were, in the Government's view, unsubstantiated.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Kuwait's judicial system is independent and, except for the State Security Court, provides for public trials and the right of appeal. Judges are appointed by the Amir on the recommendation of the Justice Ministry. Kuwaiti nationals serving as judges usually receive lifetime appointments, while the many non-Kuwaiti judges serve under 1- to 3-year contracts, which are renewable. Judges may be removed by the Justice Ministry for cause, but such removal is rare.

By law, all defendants in felony cases must be represented by attorneys, court-appointed if necessary. In misdemeanor cases, which include crimes punishable by less than 3 years' imprisonment, legal counsel is optional, and the court is not required to appoint a defense attorney. The courts give consideration to defendants' allegations of police mistreatment in reaching verdicts and sentencing. Defendants tried in absentia have the right to an additional appeal. Legal representation is of adequate quality, including in cases where the defendant is assigned counsel. There are no reports of government interference in the issuance of verdicts or of discrimination against defense counsel. Translation of court proceedings, to ensure that they are understood by non-Arabic-speaking defendants, is sometimes inadequate.

However, trials before the State Security Court, which convenes on an ad hoc basis to handle cases deemed of an internal security nature, do not meet international standards for fair trial. Composed of judges normally serving in other courts, this tribunal, with few exceptions, conducts its proceedings in closed sessions. In 1989 opening and closing trial sessions were open to the public, but most of the substantive court proceedings took place during closed sessions. State Security Court decisions may not be appealed. Defendants are permitted to have an attorney, who is allowed to conduct an active defense on behalf of the accused. In July the State Security Court sentenced 22 of 33 Shi'a suspected of subversion against the State to prison terms ranging from 5 to 15 years. The defendants were charged with crimes ranging from the publication of literature advocating the overthrow of the Government to the planning of

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bombings and assassinations. No death penalties were handed down in 1989, and the Amir has yet to approve previous death sentences mandated by the court for terrorist attacks, including for an attack on the Amir himself in 1985.

According to the Constitution, military courts have jurisdiction only over offenses committed by members of the armed or security forces, except during periods of martial law (which has never been declared in Kuwait). The Amir has the power to pardon or commute sentences passed by either civilian or military courts and does so through the publication of an annual list of commutations following Kuwait's independence day, February 25. In 1989 the Amir's commutations covered the release of 292 prisoners held for common crimes and reduced sentences for 434 others. The commutations did not apply to terrorists or others convicted by the State Security Court. There are not known to be any political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to individual privacy and sanctity of the home is provided for in the Constitution and generally respected in practice. Search warrants are required, unless the police are in hot pursuit of a suspect fleeing the scene of a crime, or there is an indication of the presence of illegal alcohol or illegal narcotics. Search warrants to enter premises are issued by a public prosecutor. Expatriates, and particularly laborers and servants who live in accommodations provided by their employers, may have their premises searched by the police with authorization only of the employer. Items arriving by mail for personal or institutional use are not usually opened before delivery unless the contents are suspected of being pornographic.

In 1986 the Government restricted Kuwaiti males' right to marry foreigners, decreeing that official approval in advance would henceforth be required. The Government's action apparently was motivated by concern over how to meet its responsibilities toward the children of non-Kuwaiti spouses residing outside the country. The Government, and the public at large, were also concerned about the growing number of Kuwaiti males marrying foreigners rather than Kuwaiti women.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions respecting these freedoms are often subject to such conditional phrases as "in accordance with conditions and manner specified by law." The Kuwaiti or foreign resident feels free to offer his opinion in private without fear of official retaliation, but no one may make a written or public attack upon the Amir and the ruling family, upon Islam, or upon leaders of other Arab states. Kuwait has an active censorship department, which reviews all books, films, videotapes, periodicals, and other material entering Kuwait in bulk or for commercial purposes. Radio and television are government owned and controlled.

The Amir's July 1986 decrees that amended the press law to impose prior censorship on the Kuwaiti press and otherwise tighten press curbs remain in effect. These decrees also authorized the Government to suspend for up to 2 years any publication found to be serving foreign states or

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organizations, receiving assistance from foreign sources without the approval of the Information Ministry, or publishing material conflicting with Kuwait's national interests. The revised censorship regulations also toughened existing penalties for violators, prescribing prison sentences of up to 3 years and fines up to \$17,000 for offenses by publishers, editors, and journalists.

As before, the press was forbidden to publish material that contained direct criticism of the Amir and the ruling family, involved official confidential communications or treaties and agreements with other states, might disturb relations with Arab and friendly states, or, in a final category, "might incite people to commit crimes, create hatred, or spread dissension among the people." Prior to the Amir's decrees there was selective enforcement of the list of proscribed topics; violators were usually only issued warnings. Since July 1986, however, government censors have reviewed press items before their publication and ensured compliance by excising offending material or having it rewritten. There were no reports in 1989 of journalists arrested or journals confiscated. The daily Al-Rai Al-Aam was suspended for 1 week in April for publishing an unauthorized report that the Amir would visit Iraq and Egypt. In February Al-Rai Al-Aam went to press with a blank space on its editorial page in protest against the government's censorship of an editorial calling for restoration of press freedoms and the National Assembly. An estimated 15 foreign journalists residing in Kuwait and associated with local newspapers were summarily deported in 1986, following the July decrees. There have been no reports of deportations since that time.

Since the July 1986 decrees, senior government officials have held periodic meetings with Kuwait's chief editors, at which the editors have been encouraged to avoid sensationalism and publishing items which may be offensive or harmful to state security. By law, publishers lose their license, issued by the Information Ministry, if their publication does not appear for 6 months. On those topics not proscribed by censorship, the Kuwaiti press is vigorous and publishes a variety of opinions on numerous Middle East and international issues.

Academic freedom is subject to the same general restraints that apply to the press.

b. Freedom of Peaceful Assembly and Association

Political parties are banned. Political activity finds some outlet in informal family-based social gatherings known as "diwaniyyas." The Constitution affirms the right to private assembly, public meetings, processions, and gatherings which are peaceful and not contrary to public morals. However, any group of more than three people desiring to meet for public discussion (or to meet privately, but to issue a public statement) must receive prior permission from the Ministry of Interior. The authorities may prevent such an assembly merely by ignoring the request.

Professional groups, bar associations, and scientific bodies are permitted to establish international contacts without government interference. Kuwait university students are allowed to organize student groups and to vote for their own student representatives in vigorously contested annual elections. Campus student groups are active and relatively free to express their views on international political issues

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as long as there is no open discussion of domestic politics.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution declares that "freedom of belief is absolute" but must not "conflict with public policy or morals." Kuwait's state religion is Islam; the Shari'a (Islamic law) is, according to the Constitution, "a main source of legislation." The ruling family and most of the prominent Kuwaiti families are Sunni Muslims. There are no restraints on worship by Shi'a Muslims, who constitute about 30 percent of Kuwait's population. Kuwait has a tiny Arab Christian minority; there are a number of expatriate Christian congregations and churches. Expatriate practitioners of eastern religions (e.g., Hindus, Sikhs, and Buddhists) not recognized by Islam are not allowed to establish places of worship but may worship privately in their homes. Proselytizing of Muslims by non-Muslims is prohibited.

Before the dissolution of the National Assembly in 1986, Islamic pressure groups within that body were able to secure a bar on the granting of citizenship to non-Muslims, prohibition of alcoholic beverages, and partial classroom segregation at Kuwait University. The Government accommodated the National Assembly's demands for the application of some fundamentalist principles but blocked attempts to apply Islamic law across the board. Commercial law, for example, is based on Western practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are free to travel inside and outside the country, to emigrate, and to return. Some restriction on foreign travel is applied to young men who have not completed, or been exempted from, their compulsory military service. Those serving in the military must receive permission from the Defense Ministry before traveling abroad. Although there are no different legal standards regarding the internal or foreign travel or emigration of Kuwaiti women, in practice husbands can prevent their wives and minor children from leaving the country.

There have been instances in which citizens' passports have been suspended temporarily. Generally, this has applied to criminal suspects. Representatives of societies, associations, and trade unions wishing to travel to and participate in international meetings must receive prior permission.

Although the Constitution states that "no Kuwaiti may be deported from Kuwait or prevented from returning thereto," the Government's policy of revoking the citizenship of some Kuwaitis is in contradiction to this rule. In some cases, such action has been based on the voluntary acquisition by the individual of foreign citizenship. An anomalous situation has developed, however, in the case of the so-called stateless persons residing in Kuwait who claim not to have any other nationality but who are unable to document their claim to Kuwaiti citizenship. Recently, the Government denied civil identification cards (entitling the bearer to various state services) to persons unable to document their claim to Kuwaiti

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citizenship. Along with this move, the Ministry of Planning altered its census figures, subtracting the stateless persons from the total number of Kuwaiti citizens. December 1988 census figures revealed a decrease from 42 to 28 percent for the number of actual Kuwaiti citizens as compared to expatriates, which would place the number of stateless persons at approximately 270,000 (14 percent of the total population). Of this number, the vast majority are presumed to be persons of Iraqi or Syrian origin who have asserted claims to Kuwaiti citizenship in order to take advantage of the generous social benefits which the State provides for full citizens. Faced with denial of civil identification cards, some of the so-called stateless persons have reasserted their original nationality, exited the country, and returned to Kuwait as expatriates. Many others have simply left the country permanently. However, a minority of the stateless are persons of Bedouin origin who can neither claim other nationality nor produce documentation of Kuwaiti citizenship. It is expected that many stateless persons in this latter category will eventually be allowed to retain their residency and/or receive Kuwaiti nationality. Accordingly, census figures for the number of Kuwaiti citizens may be revised upwards in the future. In the meantime, many stateless persons are in bureaucratic limbo due to the revocation of their civil identification cards, which are required for obtaining employment and official documents, such as automobile and marriage licenses.

All non-Kuwaitis over the age of 21 residing in Kuwait must be sponsored by a Kuwaiti citizen. Kuwait does not extend permanent residence to its expatriate population, and 1987 amendments to the alien residence law mandate stiffer penalties--fines and, in some cases, prison sentences--for expatriates who reside in Kuwait illegally or are not properly documented. Employers have the power to restrict both job mobility and the continued residence in Kuwait of their expatriate employees. Many expatriates (including some government employees) must surrender their travel documents to their employers, thus preventing them from leaving the country without the employer's consent. A new private sector labor law further restricted the residency rights of expatriate workers, providing that foreigners cannot change employers until after a 3-year period of employment with their initial sponsor. Those employed by government agencies are given residence visas, which require an exit permit or "no objection" letter in order for the expatriate to leave the country. In accordance with the law, non-Kuwaitis convicted of crimes are routinely deported after serving their sentences.

Illegal entrants to Kuwait are normally returned to their home countries. Exceptions have been made for those, mostly Iranians and Afghans, who are considered by the Government to be legitimate refugees. Some of these persons have been permitted to remain in Kuwait or have been sent to third countries. While most members of Kuwait's large Palestinian population have Jordanian passports, others are stateless and carry Lebanese or other Arab laissez-passers. Expatriate youths over 21 years of age who travel or study outside Kuwait often have difficulty rejoining their families in Kuwait.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Kuwait has no formal democratic institutions. Consequently, most of its citizens do not have a say in the choice of

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leaders or in changing the political system. The 1962 Constitution limited succession to the position of Amir to descendants of Mubarak the Great, the ruler at the turn of this century. In practice, the ruler and senior family members choose the crown prince from either the Al-Jaber or the Al-Salem branch of the Al-Sabah family. Under the Constitution this choice is confirmed by majority vote of the National Assembly. Executive power is vested in the ruler and, under him, in an appointed Council of Ministers, currently numbering 24, headed by the Crown Prince, who traditionally serves also as Prime Minister.

At independence Kuwait inaugurated a National Assembly composed of 50 deputies elected by secret ballot, plus Cabinet members sitting *ex officio*. The electoral law provides that candidates for the National Assembly be self-nominated, with multiple candidates permitted to compete for the 50 seats. A "grandfather clause" effectively limits suffrage to adult males who resided in Kuwait before 1920 and maintained a residence there until 1959, and their adult male descendants. In 1986 the National Assembly approved an amendment to the 1966 Nationality Law that delayed for 10 years, until 1996, the granting of voting rights to Kuwait's so-called second category citizens. The latter are certain long-time Arab and non-Arab residents who do not meet the "pre-1920" qualification. The Nationality Law was further amended in 1987 to extend from 20 to 30 years the period that naturalized Kuwaitis must wait before acquiring the right to vote. Efforts since 1982 to gain suffrage for women have been unsuccessful. Distinctions made on the basis of parentage, length of residence, and gender establish a limited class of citizenship with the privilege to participate in the political system.

The dissolution of the National Assembly, decreed by the Amir in July 1986, remains in effect. The 1986 decrees also suspended various constitutional provisions, including Article 107, which specified that, within 2 months of the Assembly's dissolution, either special elections be held for a new Assembly or the dissolved one be reinstated. The Assembly was previously dissolved in 1976 and reinstated in 1981. In the Assembly's absence, the Amir rules by decrees having the force of law.

The dissolution of the Assembly in 1986 represented a setback for citizens' political rights. Far from being a rubber stamp, the Assembly had served over the years as an important forum for the expression of diverse political views, some sharply at odds with those of the Government.

There have been reports of former parliamentarians petitioning the Amir in 1987, 1988, and 1989 for the Assembly's restoration. In February Kuwait university students initiated an active petition drive, supported by a number of university professors who were formerly parliamentarians, advocating the return of democratic government. Reports indicated that the petitions were still in circulation at the end of the year. The Government has recently instituted local government councils in each of the five governorates. These councils are intended to give Kuwaiti citizens more of a voice in issues of immediate concern in their daily lives (e.g., sanitation, security, and other government services). Many council members are former parliamentarians who have traditionally supported the Government.

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Informal contacts between rulers and ruled are an important feature of the Kuwaiti political system. Traditionally, adult male Kuwaitis have had relatively easy access to their leaders, including the heads of the prominent merchant clans and the ruling family itself, through the system of "diwaniyyas," informal family-based discussion groups to which anyone can come and freely speak his mind. That custom has endured, as has the tradition that the Amir should govern in consultation with other community leaders. Following the Assembly's dissolution in 1986, cabinet ministers instituted the practice of setting aside several hours a week to receive the public in their offices.

While most male Kuwaiti citizens can participate directly or indirectly in the political process, noncitizens, who greatly outnumber Kuwaitis, have no role. Kuwait has been reluctant to extend citizenship to those of non-Kuwaiti origin, and naturalization of even Kuwait-born persons is rare.

Citizenship has been extended only to a few Palestinian families who made significant contributions to Kuwait before the early 1970's. The Government established a committee to revise criteria for granting citizenship, but to date it has been without effect. Expatriates seldom engage in political activities for fear of exposing themselves to possible deportation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has permitted visits by representatives of international human rights organizations. In its 1989 Report, covering 1988, Amnesty International (AI) cited instances in which it had sought and obtained information on several prisoner cases. It noted one case, however, in which it had not been able to examine the contents of leaflets produced as evidence of advocacy of violence against defendants tried by the State Security Court.

Some prominent Kuwaitis are members of international human rights organizations, such as the Arab Organization of Human Rights.

There are no nongovernmental human rights groups in Kuwait that deal with domestic human rights. The Government has an in-house council on human rights, composed of senior officials and working-level experts, but it is difficult to gauge its effectiveness since no information about its activities is published.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Kuwaiti women are allotted a subordinate role by statute and practice. Denied the vote, women are also limited by tradition from freely choosing their role in the society, though less so than in some other Islamic countries. Nevertheless, there are Kuwaiti women who are outspoken in their demand for a broader role in society. In contrast to the practice in some neighboring countries, a Kuwaiti woman is permitted to drive a car, may wear Western dress in public, and has legal access to higher education inside and outside the country. Women have the right to litigate against men (for example, in child custody suits). In recent years, more

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Kuwaiti women have joined the work force and compete for government and corporate employment. Some women have reached senior government positions, up to the level of assistant under secretary and director general. Women are well represented in the field of education through the university level. In 1986 the Government named the first woman prosecutor. Kuwaiti women have also represented Kuwait in international financial meetings.

The Government publicly encourages respectful treatment of women, and Article 160 of the Kuwaiti criminal law of 1960 states that a person who "beats or injures, or causes bodily harm or exposes another person's body to disrespect" may be sentenced to imprisonment for a period of 2 years and subject to fine. The Government produces no official statistics on domestic abuse. However, a 1986 study indicated that one out of three Kuwaiti women surveyed admitted to being subjected to insulting or degrading treatment by their husbands, while some 10 percent claimed to have been beaten by their husbands. Most wives do not report abuse because of the social stigma that is attached to legal proceedings in such cases. Kuwaiti police will intervene in domestic disputes but only in cases of visible abuse. Otherwise, there is a marked reticence on the part of police to intervene in domestic affairs. Husbands arrested in such cases are often verbally admonished and then released without charge. There are a large number of expatriate (South and Southeast Asian) female domestic servants in Kuwait. Although physical and sexual abuse of maids is punishable by law, and the press regularly reports some of the worst cases, mistreatment of female domestic servants is persistent. In at least two instances, highlighted by the press in 1989, domestic servants died as a result of mistreatment by employers. In both cases, the employers were tried and sentenced to prison terms with hard labor. Although domestic servants are able to take legal recourse against their employers if they so choose, many cases involving the abuse of domestic servants go unreported due to fear of repercussions from employers.

There is no evidence of discrimination among citizens in the administration of Kuwait's extensive social welfare programs, designed to provide housing, family allowances, retirement income, medical care, education, and employment. Members of Kuwait's Shi'a minority are less likely to be appointed to sensitive government positions. There are credible reports of Shi'a employees in the oil industry in 1987 losing their jobs, being transferred to other departments, or denied promotion following the series of oil field bombings, attributed to Shi'a. Nonetheless, many have achieved great wealth, and there is no evidence that they are discriminated against in matters of social welfare.

Foreign residents do not share in many of the rights and benefits Kuwaiti nationals enjoy. A new commercial law now allows for 100-percent foreign ownership of small commercial establishments, such as restaurants and shops, but 51-percent Kuwaiti ownership is still required for businesses of meaningful size. White-collar and skilled expatriate workers earn the same base pay as Kuwaitis but receive less in fringe benefits. Benefits restricted to Kuwaiti citizens include additional government stipends and social allowances and, in general, retirement pensions. Kuwaiti citizens also usually receive higher government salaries. Resident expatriates are entitled to medical benefits. Public schooling is offered, with some exceptions, only to children of expatriates who

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arrived in Kuwait prior to 1957, although the Government subsidizes tuition for students in a number of Arabic-language elementary and secondary schools. Kuwaitis are given preference for admission to the University of Kuwait. Because of limited space for new enrollees, non-Kuwaiti university entrants may equal no more than 10 percent of the number of Kuwaiti entrants. Unskilled expatriate workers usually are not permitted to bring their families to Kuwait.

Section 6 Worker Rights

a. The Right of Association

Kuwaiti workers have the right to establish and join unions. Kuwait's labor movement has about 27,000 members, organized into 13 unions. All but one of the 13, that of the bank workers, are affiliated with the Kuwait Federation of Trade Unions (KFTU). Expatriate workers, who comprise about 80 percent of the roughly 700,000-strong labor force, are permitted to join unions after 5 years' residence but only as nonvoting members who cannot hold office. Kuwait labor law stipulates that any new union must include at least 100 workers, 15 of whom must be Kuwaitis. Unions are independent organizations, though the Government maintains a large supervisory role with regard to union financial records. Unions must also follow a standard format for internal rules and constitutions which includes a prohibition on any involvement in domestic political, sectarian, or religious issues. Kuwaiti law prevents the establishment of more than one union per functional area.

The vast majority of union members are Kuwaitis. The KFTU, grouping together nine civil service unions and three oil sector unions, is a member of the International Confederation of Arab Trade Unions as well as the Communist-controlled World Federation of Trade Unions.

The right to strike is recognized but is limited by Kuwait's labor law, which provides for compulsory negotiation followed by arbitration if a settlement cannot be reached between labor and management (see Section 6.b.). In recent years there have been few work stoppages, and in 1989 there were no reports of any. The tranquil labor/management relations situation stems in large part from a generous social welfare system and the Government's willingness to provide employment for Kuwaitis in the public sector, which features one of the most liberal government retirement systems in the world.

Kuwaiti labor law has a provision allowing for compulsory dissolution of any union that "commits an act considered to be violating the provisions of this law and of the laws connected with the preservation of public order and morals." Under the law, a union can only be dissolved by a court decision; such a court decision can be appealed. No union has been dissolved in this manner.

Union activity is concentrated in the government, banking, and oil sectors. Union members have the right to elect representatives of their own choosing provided the candidates can obtain a "good conduct certificate" (absence of criminal record). While non-Kuwaiti workers do not enjoy the same union rights as Kuwaitis, there is little display of discontent among expatriate workers. There are several reasons for this: most expatriates are drawn to Kuwait by comparatively high wages; the Government will summarily deport

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any non-Kuwaiti deemed a troublemaker; and a non-Kuwaiti cannot remain in Kuwait without employer sponsorship.

The International Labor Organization's Committee of Experts (COE) for a number of years has criticized various restrictions contained in the Kuwaiti labor code as being in contravention of Convention 87 on Freedom of Association. Many of these defects are reported to have been eliminated in a draft revised labor code under consideration by the Government, but the COE noted in early 1989 that the text of the new code was not available. It is not certain when the Government may adopt a revised labor code.

b. The Right to Organize and Bargain Collectively

Kuwaiti workers have the right to organize and bargain collectively. Union rights are incorporated in the labor law and generally respected in practice. Article 78 of the Kuwait labor law states that any employer who "terminates or inflicts any penalty on a laborer for the purpose of forcing him to join, refrain from joining, or to withdraw from any trade union" must either rectify the contravention or be subject to fines. Discrimination against union or nonunion employees is rare.

Kuwaiti labor law provides for direct negotiations between employers and "laborers or their representatives." If an amicable agreement is not reached, the parties may petition the Ministry of Labor and Social Affairs for settlement. If no agreed solution is reached by this means, the dispute is referred to a Labor Arbitration Board composed of officials representing the High Court of Appeals, the Attorney General's office, and the Ministry of Labor and Social Affairs.

There are no export processing zones in Kuwait.

c. Prohibition of Forced or Compulsory Labor

The Kuwaiti Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration." This prohibition appears to be generally respected.

d. Minimum Age for Employment of Children

The minimum age under Kuwait law is 18 years for full-time work and 14 years for part-time work. This law appears to be generally observed and enforced, particularly in urban areas, by both labor inspectors from the Ministry of Labor and Social Affairs and truant officers of the Ministry of Education.

e. Acceptable Conditions of Work

General conditions of work are established by Kuwaiti labor law for both the public and private sector, with the oil industry treated separately. The law limits the workweek to 48 hours, provides for a minimum of 14 days' leave per year, and establishes a compensation schedule for industrial accidents. Reflecting the importance of the petroleum industry in Kuwait, the law governing employment in this sector is more generous than the general laws. It provides for a 40-hour workweek, overtime pay for shift work, 30 days' annual leave, and a generous sick leave policy. Women are permitted to work, except in "dangerous industries and trades

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harmful to the health," and are promised "equal remuneration to that of a man provided she does the same work." There is no legal minimum wage, but this has little impact since Kuwait is not a low-wage country.

By and large, employers appear to respect provisions of the labor law and provide suitable working conditions, although abuses occur in the treatment of unskilled foreign workers, particularly household maids and servants. There were credible reports that sizable groups of South Asian expatriate workers doing manual labor were not paid promised salaries in 1988, with similar reports of underpayment of salaries for servants and laborers in 1989. In May the Ministry of Labor and Social Affairs issued a regulation requiring private companies to establish monetary guarantee funds for their employees. Private firms are required to set aside approximately \$525-875, depending on the size of the company, as insurance against nonpayment of wages. The labor law does not apply to domestic servants and "sea workers."

A 1979 ministerial decree created a permanent commission to coordinate activities in the field of public health and occupational safety. It has had some success in raising safety awareness and improving government coordination. The Ministry of Labor and Social Affairs actively enforces the labor laws, and there are penalties for such violations as nonpayment or underpayment of wages.

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Lebanon's Constitution provides for a directly elected, unicameral Parliament which chooses the President. Political power is theoretically divided in accordance with the Constitution and with the unwritten, confessionally based National Pact of 1943. The latter provides for a Maronite Catholic president, a Sunni Muslim Prime Minister, and a Shi'a Muslim speaker of the National Assembly. The Pact also provides for the proportional allocation of government positions among various sectarian groups on the basis of the last national census, which was taken in 1932. However, 14 years of civil war have altered this arrangement greatly. Parliamentary elections, which should take place every 4 years, were last held in 1972. Since that time, one-fourth of the elected parliamentarians have died and have not been replaced. In 1988 Parliament was unable to elect a president before the constitutional deadline of September 23. As a result, for much of 1989 there were two rival cabinets in East and West Beirut, each claiming to be the legitimate government. As a result of an agreement reached at Taif, Saudi Arabia, members of the most recently elected Parliament met in November 1989 and approved the Taif Agreement which amends the Constitution and alters the 1943 National Pact. They also elected a new President, Rene Moawad. After Moawad was assassinated on November 22, the deputies met again, electing as President Elias Hrawi, like Moawad a Maronite Christian.

The prolonged civil war and the establishment of rival cabinets virtually eliminated the authority of any recognized central Lebanese government and its ability to safeguard human rights. Extralegal militias and local chieftains control much of the country where they, in effect, govern the civilian population and enforce their own version of justice with little regard for the Constitution or legal norms. The presence of foreign forces further contributes to the inability of any Lebanese central authority to exercise control over the entire country. Israel continued to maintain a "security zone" that encompasses 13 percent of Lebanese territory. Israeli attacks against Palestinian strongholds, terrorist headquarters, and staging zones led to civilian casualties when targets hit were located in or near civilian neighborhoods.

Syrian troops in Beirut, north Lebanon, and the Biqa' valley numbered over 40,000 at the end of 1989. In those areas, which comprise 70 percent of Lebanon's territory, the Syrian authorities carried out certain security and other functions normally reserved to a central government. Syrian military operations in these areas resulted in civilian casualties and material damage. Syrian forces were also direct participants in the heavy shelling of East Beirut and the enforcement of a naval blockade against the predominantly Christian area. Militia and terrorist groups, including Amal (supported by Syria), Hezbollah (supported by Iran), and several Palestinian splinter groups also operated in the region.

*The United States has had no official observers present in Lebanon since September 5, 1989, when the Embassy staff was withdrawn since it was no longer possible to assure its security or effectiveness. This report therefore draws in part on unofficial sources.

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As a consequence of continued shelling and the imposition of naval and ground blockades, Lebanon's free-enterprise economy, already seriously disrupted by more than a decade of war, deteriorated sharply after March 1989. The value of the Lebanese pound deteriorated steadily during the spring and summer. However, in the fall the pound began to appreciate in response to a sustained cease-fire agreement.

The year witnessed a serious deterioration in the human rights situation. Nearly 6 months of virtually continuous artillery exchanges throughout densely populated areas of East and West Beirut brought injury and death to thousands of civilians. Most parties to the conflict, including Syrian forces, Lebanese army units, and militias, often deliberately located their headquarters and military emplacements in or near populated areas, including in areas close to schools, hospitals, and religious institutions. Noncombatants were also the victims of terrorist bombings, sniping, abductions, summary executions, and assassinations.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

As in the past, rival Muslim and Christian factions routinely killed for political motives, with civilians killed and wounded by car bombs exploded in crowded areas and by indiscriminate sniping and other exchanges of fire between opposing factions. There were numerous assassinations of political and religious leaders, including newly elected President Rene Moawad and the Sunni Mufti, claims of hostage execution, and death threats aimed at forcing specific political actions. Militia forces outside of the nominal control of the Government were responsible for most of these actions, but each of the competing cabinets in early and mid-1989 charged that security forces and elements of the Lebanese Armed Forces loyal to the other carried out both indiscriminate and planned attacks, including assassinations (see also Section 1.g.).

Foreign diplomats and embassies also were targeted. In July a Hezbollah militant Islamic group, "The Organization of the Oppressed on Earth," claimed to have executed Col. William Higgins, an American serving with the U.N. observer mission in Lebanon. He had been held by them since his abduction in 1988. Numerous political and religious figures received death threats in the course of the year.

b. Disappearance

Thousands of Lebanon's inhabitants have been kidnaped or have disappeared since the beginning of the war in 1975. Illegal militias and foreign forces, rather than official Lebanese security services, appear to be responsible for most of these kidnappings. Some victims probably were summarily executed. Most of these persons remain unaccounted for, but occasionally hostage exchanges and releases occurred.

There were more politically motivated kidnappings in 1989. Abductions and disappearances took place throughout Lebanon, especially in the south, along the dividing line between East and West Beirut, and in West Beirut's southern suburbs. There

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were also numerous reports that military personnel and civilians were seized while crossing between the two sides of Beirut. Various Islamic groups continued to hold hostage journalists, educators, and relief workers--including 9 Americans. In addition, a number of foreign relief and other workers, including Red Cross workers, were kidnaped near Sidon and Tripoli; some were released after being held for a short time. In south Lebanon, Israeli forces seized several prominent Shi'a religious and militia leaders, most of whom were also released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Overwhelmed by the presence of illegal militias and foreign forces and divided during much of 1989 between rival cabinets, the official Lebanese security services controlled little territory, and relatively few allegations of torture were made against them. There were many allegations of brutal treatment by Lebanese militias, Syrian and Israeli occupying forces, the Israeli-funded Army of South Lebanon, Palestinian factions, and Hezbollah, which includes several groups that receive support from Iran. The truth of these allegations, often brought by fiercely partisan elements, could rarely be verified.

d. Arbitrary Arrest, Detention, or Exile

Lebanese law requires that a suspect be arraigned before an accusation committee (a panel of three judges) and the prosecutor within 48 hours of arrest, but government prosecutors sometimes hold suspects indefinitely for interrogation without reference to a court or judge. Every defendant has the right to legal counsel, and bail is permitted in most cases. There is no public defender's office. However, if a defendant cannot afford a lawyer, and the judge deems he needs one, the judge requests the lawyers' association to appoint a lawyer to handle the case. No militia or foreign occupying force observes the above legal safeguards applicable to arrest cases. In general, persons arrested by these groups are denied access to the judicial system. Some of the major militia groups periodically turn individuals accused of civil crimes over to the legal authorities. Normally, however, the various militias detain individuals arbitrarily for indefinite periods, often to be exchanged for persons held by rival militias. Such detainees are frequently held incommunicado. In addition to politically motivated abductions, some militias presume to enforce law and order in regions under their control, arresting, imprisoning, and executing persons on purely criminal charges. The Army of South Lebanon maintains a detention center in al-Khiyam. The militia groups hold small numbers of prisoners in different locations and have not concentrated them in one place as far as is known.

Although neither of the two rival cabinets attempted, as a rule, to arrest or exile its political opponents (in a notable exception, former President Amine Gemayel was compelled to leave Lebanon in late 1988 by the new Maronite leadership), repeated instances of intimidation and threats of violence led increasing numbers of prominent Lebanese to seek temporary refuge abroad. Many ordinary Lebanese also fled, seeking to avoid the shelling and disruption in basic services which took place during much of the year.

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Despite the breakdown of central government authority, Lebanon continued its efforts to maintain a regular court system for criminal and civil cases, and each confessional group had its own court for family and personal status cases. The military also had its own courts-martial system. Lebanese law, practice, and custom provide the right to a fair public trial. Fourteen years of war, however, have disrupted the judicial process, and many cases remained unadjudicated. Trial delays result, for example, from the difficulty of conducting investigations when most of the country remains beyond effective government control, from a shortage of judges, and, most importantly, from the general breakdown in security.

Although the judiciary is considered independent and relatively impartial, and courts exist throughout the country, the disposition of criminal cases ultimately depends on the group in power locally. For example, militias frequently intervene to protect their supporters from detention and prosecution.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Lebanese authorities generally evince no interest in controlling personal life. The law requires that government prosecutors obtain the equivalent of a warrant before entering homes, except when the Lebanese army pursues an armed attacker. Rights of privacy, however, were violated frequently in the course of military operations mounted by the army, militias, and foreign forces in Lebanon and in the militias' administration of areas under their control. All of these groups have attempted to gather intelligence on their adversaries; these efforts include informer networks and telephone monitoring.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Significant violations of accepted international humanitarian standards with respect to treatment of prisoners taken during internal armed conflict occurred during 1989. Prisoners seized as the result of interfactional and intracommunal conflict were often subjected to prolonged incommunicado detention and physical and psychological abuse, including torture. As a rule, permission for humanitarian organizations to visit detention facilities was denied by the parties responsible.

The fighting between Lebanese Christian forces in February and the 6-month exchange of heavy shelling between East and West Beirut were marked by considerable disregard for the consequences of the fighting for the civilian population and resulted in indiscriminate killing. All participants in the fighting appear to have adopted a deliberate policy of applying pressure for political concessions through intimidation of the civilian population. The practice--especially by Syrian forces in West Beirut--of placing military facilities, particularly artillery, rocket launchers, and tanks, in the midst of densely populated residential neighborhoods also contributed to the

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disproportionate (10:1) ratio of civilian to military deaths.

As a result of the fighting, more than 900 people, most of them civilians, were reported to have been killed. Intracommunal fighting also took place during 1989; Shi'a militias of Amal and Hezbollah fought in Beirut's southern suburbs and in south Lebanon. This fighting became heavy in December, with over 70 people killed and 200 wounded. Exchanges between rival Palestinian factions, particularly in the Sidon area, also occurred. In East Beirut, a clash in February between the Lebanese Armed Forces and the Lebanese Forces' militia--fought in heavily populated residential areas--killed and wounded hundreds.

From March to September 1989, following a declaration by East Beirut authorities of a naval blockade of what they considered illegal ports located in other parts of the country, Syrian forces imposed a blockade on the predominantly Christian East Beirut enclave. This blockade, which was enforced through Syrian shelling of ships attempting to land in the enclave as well as bombardment of the coastal portion of the Christian area, was applied to all shipments, including attempted delivery of humanitarian supplies and fuel. As a consequence of the blockades, shortages of basic commodities such as flour, drinking water, and cooking gas occurred. This blockade was lifted in September as part of a cease-fire arrangement.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Lebanon has a strong heritage of freedom of opinion, speech, and press. Governmental authorities traditionally have respected the rights of those who opposed government policies through peaceful means. As a consequence of 14 years of civil war, and particularly the emergence of rival cabinets after failure to elect a president in 1988, efforts to control or influence the media for propaganda purposes became more widespread than had been the case previously.

Dozens of newspapers and magazines are published throughout Lebanon, traditionally representing a wide spectrum of opinion. By the end of 1989, however, the press had largely come to reflect the political views of those forces controlling places of publication. Also, while the press in Lebanon was nominally independent, virtually all newspapers and many magazines relied upon financing from specific Lebanese and foreign groups. As a result, these groups, which included Lebanese political and militia figures as well as foreign governments, were able to exercise considerable influence over the content of the press.

Distribution of the press was severely limited. Christian authorities and militias prevented the regular distribution in East Beirut of several leftist and Islamic publications, and during most of the year prevented entry of all but one newspaper published in West Beirut. Militias in West Beirut periodically refused to allow distribution of Christian militia and rival Muslim militia publications in their areas of control.

Lebanon's two "official" television channels (one each originating in East and West Beirut) were directly taken over by the rival cabinets in those areas, with coverage of

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Lebanese developments tailored in accordance with, and to support, each side's position. Since the election of a President, the East Beirut station has fallen outside the control of the Government while continuing to support General Aoun. A wide variety of illegal radio and television stations were operated by many diverse political groups, particularly militias. These stations typically carried heavily slanted propaganda as part of their daily programming.

The widespread breakdown in security and intimidation of university faculty, administrators, and students continued to seriously threaten academic freedom. In at least one instance, university administrators received death threats as the result of disciplinary action taken against a staff member. Virtually all Lebanese educational institutions were forced to close from March to October, due to the heavy shelling.

b. Freedom of Peaceful Assembly and Association

Lebanese were theoretically free to assemble and associate in a peaceful manner. However, with the outbreak of fighting in early 1989 between the Lebanese Armed Forces and the Lebanese Forces' militia, followed by hostilities between factions in East and West Beirut, tolerance for demonstrations or assemblies other than those organized by or in support of the authorities in each area evaporated. In areas under the exclusive control of one militia, demonstrations or open shows of support for rival militias or political groups were not permitted.

Israel did not permit political groups which opposed the Israeli occupation to operate freely in areas under the control of the Israeli army or the South Lebanon Army. The Syrians did not, in general, allow groups openly hostile to them to remain in areas they occupied, much less to assemble freely.

The most significant constraint on freedom of assembly continued to be the restrictions imposed by authorities and militias in East and West Beirut on the ability of Parliament to gather for an electoral session. Parliamentarians were unable to cross the line dividing East and West Beirut during much of the year; no parliamentary session was held between August 1988 and November 1989 when Parliamentarians met to ratify the Taif Agreement and elect a new president (twice). (See also Section 3.)

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

In the past, Lebanese practiced their various religions with a great degree of liberty. There is no state religion, nor are there restrictions on particular religious groups, on foreign clergy, or regarding places of worship. Lebanon has long been a center for theological training, and there are numerous seminaries in the country. The various religious groups are free to publish religious material, participate in charitable activities, and provide religious education for their children. Many religious groups operate private schools. However, the intensification of religious hatred has led away from confessional mixing and towards confessional segregation. Today, Lebanese live more and more in

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neighborhoods and villages inhabited exclusively by one religious community. In militia-controlled areas, this exclusivity sometimes is maintained by force.

Lebanese are free to practice the religion into which they were born, and the confessional character of Lebanese society makes conversion to another religion difficult, except in the case of women, who normally adopt the religion of the man they marry. Conversion can mean ostracism from one's family and friends and having to live among strangers. In the smaller villages, local religious leaders often exert pressure on members of their congregation not to participate in the religious activities of other religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Lebanese traditionally have enjoyed freedom of internal travel, but the reality of civil war restricted the ability of Lebanese to cross freely between the Christian enclave and the rest of Lebanon during much of 1989. The Green Line dividing East and West Beirut was frequently closed during the year, as were other internal land crossings. Even when the crossings were open, passage was often rendered difficult by sniping, arbitrary controls imposed by militias and other authorities, and demands for bribes by officials. In addition to the problems affecting passage into the Christian enclave, militias throughout Lebanon often imposed controls on entry into areas under their domination. The Army of South Lebanon maintained tight restrictions on the movement of people and goods into and out of areas which it occupied. Today, Lebanese young people rarely travel into areas other than their own.

Foreign travel by Lebanese citizens was not officially restricted by Lebanese state authorities, although militias and foreign forces present at ports of entry and exit often prevented certain persons from entering or leaving the country. Because of the frequent closure of the Green Line, the shutting down of Beirut International Airport from March to September, and the naval blockade imposed on ports serving the Christian enclave, most Lebanese encountered considerable difficulties in traveling abroad. During the March to September period, Lebanese had the option of either traveling overland to Damascus or using a ferry/Hovercraft serving Jounieh in East Beirut and Larnaca, Cyprus. The ferry was frequently the target of shelling. Emigration and dual citizenship were permitted. There was no legal impediment to voluntary repatriation by Lebanese with valid identity papers.

Lebanon historically has been a land of asylum. During this century, it has given refuge to hundreds of thousands of Armenians and Palestinians as well as to smaller numbers from other Middle Eastern ethnic and religious groups. However, Lebanon's grave political and economic troubles in recent years have virtually ended its attractiveness to new refugees.

Lebanon's relationship with the Palestinian community has been difficult. Most Palestinians, like other foreigners, have not been able to obtain Lebanese citizenship. Their status as a "state within a state" under the 1969 Cairo Accords (abrogated in 1987) and their involvement in internal fighting from 1975 to 1982 and again from 1985 until 1988 brought upon them the bitter enmity of many other groups. In the wake of the 1982 conflict, many Palestinians encountered difficulty in renewing

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residence permits and travel documents, and delays still continue.

Estimates of the Palestinian population in Lebanon vary from a high of 500,000 to 600,000 (Lebanese officials) to a lower figure of 300,000 (United Nations Relief and Works Administration (UNRWA)). Palestinians have been hit hard by the collapse of Lebanon's once thriving economy and increasing numbers of them depend on UNRWA's relief, education, and medical facilities. These facilities operate in a difficult and sometimes dangerous environment. Various factions controlling the areas where UNRWA schools, clinics, and relief centers are located impose limits on UNRWA activities. There are at least 17 Palestinian factions operating in Lebanon, ranging from several characterized as "Islamic" to numerous pro- and anti-Arafat organizations, many built around prominent individual leaders. Lebanon does not grant citizenship to Palestinians or to other foreign residents. Most Palestinians live in refugee camps, better described as neighborhoods or ghettos under the control of one or more of the political factions. Leaders are not elected, nor are there any representative institutions which would permit popular participation in running the camps. There is no functioning judicial system in the Palestinian camps. Fundamental protections and freedoms expected of governments do not exist in Palestinian areas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In practice, Lebanese citizens do not enjoy the right to change their government. Formally, Lebanon is a parliamentary democracy. According to the Constitution, direct elections must be held for the Parliament every 4 years. Parliament, in turn, elects a president every 6 years, and the president appoints a cabinet which must obtain the confidence of parliament. Political parties may be formed.

Since the emergence of the post-1943 Lebanese state, national policy has been determined largely by a relatively restricted elite of traditional regional and sectarian leaders. The 1943 National Pact essentially allocated political power on a confessional basis, according to the proportion of various religious groups in Lebanon as determined by the 1932 census. The unwritten National Pact stipulated that the president would be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of parliament a Shi'a Muslim. Seats in the Parliament were divided on a six-to-five ratio of Christians to Muslims. Positions in the government bureaucracy were allocated on a similar basis. Efforts to alter or abolish the confessional system of allocating political power have been at the center of Lebanese politics for more than 3 decades. Those religious groups most favored by the 1943 formula have sought to preserve it, while those disadvantaged by it have sought to revise it on the basis of new demographic realities or to abolish it entirely. This struggle has given a strongly religious coloration to Lebanese politics and to the continuing civil strife there.

In the past 15 years, political violence has robbed democratic institutions of much of their remaining substance. No parliamentary elections have been held since 1972, and Parliament was unable to decide upon a new president before the incumbent president's term expired on September 23, 1988. Through the mediation of Saudi Arabia and other Arab

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countries, Lebanese parliamentary deputies reached agreement in Taif, Saudi Arabia, for political reform and new presidential elections. The Taif Agreement, ratified by Parliament in November, gives Muslims and Christians an equal number of seats in an expanded 108-seat parliament, and transfers some powers from the President to the Prime Minister and the Council of Ministers. The Parliament on November 5 elected Rene Moawad as President and, after he was assassinated, they chose Elias Hrawi on November 24. A stalemate remains, however, since not all factions accept the Taif agreement. Rival forces continue to paralyze what little authority the central Government manages to exercise. Most of the country is under foreign or militia control.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Lebanese authorities have a mixed record in dealing with international human rights groups, and indigenous groups have not pressed the authorities strongly on human rights issues. The Lebanese Government (and both rival cabinets during 1989) affirms its support for international human rights and basic international documents and declarations on the subject. However, the chaotic situation within the country, especially the limited control exercised by the government over foreign forces and militias, has hindered its ability to be responsive to inquiries regarding human rights abuses.

The Army of South Lebanon has refused requests for access by international humanitarian groups to the prison facility it maintains at al-Khiyam in south Lebanon.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination based on religion is built into the system of government. As a result of the National Pact of 1943, government jobs are allocated on the ratio of six Christians for every five Muslims. Within each religion, distribution of positions is further subdivided among specific Christian and Muslim sects and denominations. Many of the larger corporations adhere to these standards as well. Since the National Pact was instituted, however, the Shi'a Muslim community has become the largest confessional group in Lebanon, and the proportion of Christians in the population has declined significantly. The six-to-five ratio thus works to the disadvantage of the Muslim community in general and the Shi'a in particular.

Palestinians also have suffered discrimination in the area of employment, because the Government has denied them permission to obtain work permits. The traditional position of the Lebanese authorities has been that there were not enough jobs for Lebanese who sought employment, and so it could not open up the Lebanese work force to outsiders. The result was that Palestinian refugees, who were often skilled workers, were compelled to take menial or marginal jobs.

There is little public or private debate on the issue of violence towards women, and no official statistics are produced on the subject. It is therefore difficult to estimate the extent to which it may be a problem in Lebanon.

Each confessional group has its own family and personal status

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laws. Generally, it is difficult for women to obtain divorces, and, in divorce, difficulties often arise with respect to child custody. There are no restrictions on women owning property.

Section 6 Worker Rights

a. The Right of Association

Lebanese labor law gives workers the right to unionize; choose their own representatives, provided they are employed within the bargaining unit; and determine their own policies and programs as long as the unions do not involve themselves in politics. Workers enjoy the right to strike and exercise it. Lebanese authorities do not control or restrict unions, except that government employees may not unionize or strike. The operation of trade unions has been affected by the internal strife of recent years. There is no special protection for trade union members or their property. There are 160 local labor unions in Lebanon; the major umbrella labor organization, the General Confederation of Lebanese Workers (CGTL), comprises 18 federations of labor unions. There are no comprehensive statistics on union membership, although the CGTL claims 200,000 to 250,000 dues-paying members, about one-third of the 600,000 employed persons in Lebanon. The CGTL is affiliated with the International Confederation of Arab Trade Unions, based in Damascus. Thirteen of its affiliated federations belong to the International Confederation of Free Trade Unions. Another affiliated federation is a member of the Communist-controlled World Federation of Trade Unions. Lebanon has ratified ILO Convention 98 on collective bargaining, but not Convention 87 regarding freedom of association.

b. The Right to Organize and Bargain Collectively

The right of workers to organize and to bargain collectively exists in law and practice in Lebanon. Most workers' groups engage in some form of collective bargaining with their employers. The stronger federations are able to obtain significant gains through their own collective bargaining efforts. The weaker unions rely heavily on the mediation of the CGTL which, prior to the civil war, used to negotiate annual across-the-board pay increases with the private employers' association. The CGTL often has assisted unions not affiliated with it in their bargaining efforts, and on occasion has assisted nonunionized workers. There is no government mechanism to promote voluntary worker-employee negotiations, and workers are not protected against antiunion discrimination. On several occasions in 1989, militia forces intervened to suppress strikes and impose binding resolutions on all parties to the dispute. Lebanon has no special economic incentive or export processing zones.

c. Prohibition of Forced or Compulsory Labor

Lebanese law does not prohibit forced labor, and the Government does not practice forced labor. In the present anarchy, however, militias have forced workers, especially non-Lebanese manual laborers, to perform unpaid duties such as fortifying buildings, cleaning offices, and performing basic day labor.

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d. Minimum Age for Employment of Children

Lebanese labor law specifies the minimum age for employment of children as 8 years. In fact, few children under 16 years of age are employed.

e. Acceptable Conditions of Work

According to Lebanese labor law, the minimum wage was about \$55 per month, calculated at the exchange rate in effect at the end of the year. From this sum, income and social security taxes are deducted. Persons living in militia-controlled areas are also compelled to pay certain "taxes" to the militias. Labor union leaders and government officials agree that the average family requires a monthly income of \$150 to \$200 to live decently.

The Lebanese work a 6-day week. According to Lebanese labor law, the maximum number of hours a person may work per week is 48. In practice, workers in the industrial sector work an average of 35 hours a week, and workers in the other sectors of the economy work an average of 30 hours a week. Lebanese labor law includes specific occupational health and safety regulations. However, given the civil strife and lack of central government authority, most of the regulations are not enforced.

LIBYA*

The Socialist People's Libyan Arab Jamahiriya is a dictatorship ruled by Colonel Mu'ammr Al-Qadhafi. He is aided by extragovernmental Revolutionary Committees which operate at his behest. The governing principles of the society are expressed in Col. Qadhafi's "Green Book" rather than in a constitution. He has created a political system borrowing from pan-Islamic and pan-Arab sources and purporting to establish a "third way" superior to both capitalism and communism. In the past, he has used assassination as one way to control his enemies abroad; he controls enemies at home in a variety of summary and judicial proceedings which are employed wherever popular resistance exists. Ethnic minorities, such as Berbers, are tightly controlled.

Libya maintains an extensive security apparatus, consisting of several elite military units, including Col. Qadhafi's personal bodyguards. The Revolutionary Committees and People's Committees also have security functions, designed to protect as well as monitor the populace. The result is multilayered, pervasive surveillance and control of individual activities. Although Col. Qadhafi announced his intention in 1988 to strip the Revolutionary Committees of some of their prerogatives over internal security, there is little evidence that he has done so.

Despite recent government efforts at privatization, the Libyan economy remains essentially state controlled and is based primarily on the country's rich oil resources, which are its principal source of foreign exchange earnings. Libya has used its oil income to finance internal development (new schools, hospitals, roads), but much has been wasted, and the decline in oil revenues has forced retrenchment. The foreign exchange controls Libya relaxed in 1988 were again tightened in 1989. Libya's economic difficulties have been exacerbated to some extent by the regime's expenditures for weapons and on foreign military adventures.

Major human rights restrictions and abuses continued in Libya in 1989. Legal freedoms and rights are generally lacking. As a practical matter, there are no effective rights to peaceful association or assembly, to freedom of speech, to expression of opposing views to the Government in any form, to formation of trade unions, or to strike. The same is true of rights such as the right to be considered innocent until proven guilty, to a public or speedy trial, to be secure in one's home or person, or even to hold property. While some of these rights are guaranteed in principle by the Libyan Government, there is no evidence that they exist in fact. Although Col. Qadhafi announced his support in 1988 for policies and reforms aimed at remedying past widespread abuses of human rights in Libya, there was little evidence of any significant change and many of the reforms do not appear to have been implemented.

Amnesty International (AI) estimates that over 90 political prisoners remained imprisoned at the end of 1988.

*Since the U.S. has no official observers present in Libya and since Libya's media are totally controlled, this report draws heavily on unofficial sources.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were several reports of politically related and extrajudicial killings in 1989. Security forces were reported to have killed two or three persons and wounded others when they opened fire on a demonstration--in which anti-Qadhafi slogans were being shouted--in Tripoli in January 1989 (see Section 2.b.). A would-be assassin of Qadhafi was reported to have died of "shock" in police custody in May. There were unconfirmed reports that Islamist extremists opposed to the Government killed about a dozen nonbelievers in mosques in Tripoli in August. The mayor of Sirte is believed to have been killed for reasons of tribal politics in September. An Italian citizen was killed and his body burned by unknown assailants in October 1989 during a period of anti-Italian demonstrations fomented by the Libyan Government.

AI has expressed concern about the large number of offenses, including political offenses, which are punishable by death under Libyan law. For example, Law No. 71 of 1972 provides for the death penalty for anyone involved with any group activity based on any ideology opposed to the principles of the revolution (see also Section 1.e.). In 1988 Col. Qadhafi publicly stated his support for the abolition of the death penalty and promised to commute all existing death sentences. However, the Great Green Document on Human Rights adopted by the General People's Congress in 1988 merely identified the total abolition of the death penalty as an "aim of the society," and declared that the death penalty should be applied in those cases in which the accused poses a danger of corruption to the society.

In 1980 the Government instituted a policy of assassinations of Libyan exiles and announced the formation of "suicide squads" to hunt down and kill Libyan dissidents abroad. Between March 1980 and June 1987, AI recorded at least 37 attacks on Libyan opponents or presumed opponents living abroad, resulting in 25 deaths. In 1988 the regime invited exiles to return, promising they would not be in danger. Most refused to do so. There were no reliable reports of assassination attempts against Libyan exiles during 1989. According to AI's report for 1988, Col. Qadhafi indicated that the policy of "physical liquidation" of political opponents had ended.

b. Disappearance

There were no reports of disappearance in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

No current information is available on this subject.

d. Arbitrary Arrest, Detention, or Exile

Under Libyan law, detainees may be held incommunicado for unlimited periods. Many political prisoners are held in unofficial detention centers controlled by members of the Revolutionary Committees, where prolonged periods of

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incommunicado detention are common. Many allegedly are held without charge or trial, apparently as an example to other would-be opponents of the regime. AI stated in a report in August 1989 that 40 people are reportedly in incommunicado detention following antigovernment disturbances between January and May, mainly at the universities in Tripoli and Benghazi. While undergoing interrogation, sometimes for periods of several months, prisoners are given no access to legal representation. Although Qadhafi has claimed to be opposed to secret arrests, there is still no evidence he has followed up with explicit orders to that end or that the situation has improved in practice. Foreigners have also been subject to arbitrary arrest in the past, and there are credible reports that some foreign workers in Libya have been forced into military training and military service on behalf of Libya or coerced into subversive activities against their own countries.

Exile is not a form of punishment practiced in Libya; to the contrary, Col. Qadhafi seeks to pressure Libyans working or studying abroad to return to Libya. Libya does, however, expel noncitizens arbitrarily.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Civilians may be tried in regular courts, in less formal "people's courts," or by military or revolutionary courts, depending on the arbitrary decision of the security forces. Security forces have the power to judge persons guilty without trial, particularly "traitors to the people." Trials are also held in private or in the absence of the accused. The traditional courts have been bypassed to a significant extent by people's courts and revolutionary courts which sometimes conducted "show trials" on television, followed by public executions, which have at times been televised. These various trial systems provide few safeguards.

A 1981 law prohibits the private practice of law and makes all attorneys employees of the Secretariat of Justice. The Union of Arab Lawyers, located in France, has expressed concern about the ability and freedom of attorneys to provide legal defense for political prisoners while serving as government employees. Libya claims that it "guarantees prisoners all necessary means of defense and safeguards of justice adequate to the principles contained in the [Universal] Declaration of Human Rights" and provides for legal assistance "as soon as possible with respect to the exigencies of interrogation." Nevertheless, there continue to be numerous reports that these rights are frequently denied.

Alleged political offenses in the past often have been tried before ad hoc revolutionary courts rather than by civilian courts, with the opportunities to engage defense counsel severely restricted. A number of these trials have been held in secret. The regime's announcement in 1988 of the abolition of all "extraordinary" courts, including those operated by the Revolutionary Committees, does not appear to have been implemented.

Some of the political prisoners known to be held in Libya were released in March 1988, and Col. Qadhafi declared that there were "less than 100" political detainees. In its 1989 Report, covering 1988, AI estimated the number at 90.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not respect the right to privacy. The legal requirement that judicial warrants must be obtained before entering a private home reportedly often is disregarded. Local and international telephone calls are routinely monitored. The informer network is extensive, encouraged by both security agencies and Revolutionary Committees. Libyan exiles report that mere family ties to suspected regime opponents can result in harassment or even persecution and detention by the authorities. Property can be seized and burned if it belongs to "enemies of the people" or those who "cooperate" with foreign powers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While some difference of opinion is tolerated in People's Committee meetings and at the General People's Congress, in general freedom of speech is severely limited. This is especially true with regard to any criticism of Col. Qadhafi or his regime. Fear of being informed upon by elements of the Revolutionary Committees and an underlying climate of mistrust at all levels of society further inhibit freedom of speech. Freedom of speech and other basic civil and political rights are further restricted during internal security crises.

Libyan media are owned and controlled by the State. There is a state-run daily newspaper, with a circulation of 40,000. Several smaller newspapers are run by the Revolutionary Committees and the Islamic Call Society. JANA, the official news agency, is the designated conduit for politically acceptable opinions. Publishing opinions contrary to government policy is not permitted. Foreign publications, once censored, now reportedly circulate sporadically in Tripoli.

b. Freedom of Peaceful Assembly and Association

Public assembly is repressed unless it is government controlled and supportive of regime positions. The right of association is limited and granted only to institutions affiliated with the regime. Organizations such as independent trade unions and professional associations are viewed as unnecessary, since Col. Qadhafi has vowed not to "accept intermediaries between the revolution and its working forces."

Following the last-minute cancellation of an international soccer match in Tripoli in January 1989, disappointed crowds reportedly demonstrated spontaneously in the streets, chanting "down with Qadhafi" and other slogans. Security forces fired on the crowds, reportedly killing two or three and wounding others. In a speech shortly thereafter, Col. Qadhafi indirectly acknowledged growing public opposition by calling for an end to "the demonstrations, the sit-ins, and the protests." He also called for an end to organized sports.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Libya is overwhelmingly Muslim. Some minority religions (e.g. Christianity) still are allowed to conduct services, but Islamic groups at variance with the state-sanctioned version are banned. In an apparent effort to eliminate any alternative power bases, the regime has banned the once-powerful Sanusiyya Islamic religious sect.

Services in Christian churches are attended by the foreign community. There is a resident Catholic bishop and a small number of priests. Nuns reportedly are permitted to wear religious habits.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of security areas, movement is not usually restricted for Libyan citizens. Traditionally, exit permits have been required for travel abroad, and currency controls have also served to restrict travel. Restrictions on travel abroad were eased significantly in 1988, but the restrictions on currency imposed in late 1989 had the practical effect of again curbing travel. Members of the Revolutionary Committees maintain surveillance of some Libyans while abroad. The right of return of Libyan nationals is theoretically fully protected even for opponents of Col. Qadhafi, so long as they are prepared to "repent." However, this "right" often appears to be more nearly an obligation; the regime often calls for students, many of whom are under government subsidy, and others working abroad to return on little or no notice and without regard to the impact on their studies or work. Libyans who study abroad are interrogated on their return home. Not surprisingly, a number of those called on to return resist.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of Libya have no right to change their government. Major government decisions are controlled by Col. Qadhafi himself, a few key figures around him, or by committees acting in his name. He appoints military officers and official functionaries down to junior levels. Power flows through a small circle of trusted associates. Corruption in the administration is a major problem, adversely affecting the efficiency of government.

Participation in elections is mandatory, and all candidates are cleared by the Revolutionary Committees from among persons who are not "merchants, contractors, tribal advocates, election brokers, officials of the former (pre-1969) government, or people who have been attacked by the power of the revolution." Political parties and tribal or local groupings are prohibited.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no independent human rights organizations in Libya to monitor the Government's performance. The Libyan Arab Human Rights Committee, a government organization, was created in May 1989, reportedly to implement the reforms announced in

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1988. AI was allowed to visit Libya in 1988 and meet with political, judicial, and security officials.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are frequent allegations of discrimination based on tribal status, with particular discrimination alleged against Berbers in the interior and Tuaregs in the south. Col. Qadhafi has often complained about the continued power of tribal and other groups, but he also utilizes them for political action when he sponsors proregime demonstrations. In past years, he sought unsuccessfully to assure that Berbers married only non-Berbers, presumably in an effort to erode their tribal identity.

The conservative cultural attitudes of Libya's Islamic society serve to restrict the rights of certain groups, most notably women. Within the confines of Islam, Col. Qadhafi has led efforts to change the status of women and expand their access to educational and employment opportunities. Women currently receive basic military training and are subject to the military draft, with some exceptions. The husband's permission is necessary for women or children to travel abroad. Female circumcision is still reportedly practiced among tribal groups in remote areas of the south. No information is available on the extent to which violence against women is a problem in Libya.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to form or join unions of their own choosing. The official trade union organization, the General Federation of Producers' Trade Unions, which was created in 1972, is under government control and administered through the People's Committee system. Independent trade unions and professional associations are viewed as unnecessary, since Col. Qadhafi has vowed not to accept intermediaries between the revolution and its working forces. Although unions are assured the right to "safeguard their interests," there is no right to strike, and no strikes by Libyan workers have been reported for years.

With government financing, the official trade union organization plays a leading role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity and exploits international trade union contacts to engage in propaganda efforts on behalf of the Government. Libya is a member of the International Labor Organization (ILO). It ratified ILO Convention 98 on the Right to Organize and Bargain Collectively in 1962 (under the previous regime), but it has not ratified Convention 87 on Freedom of Association.

b. The Right to Organize and Bargain Collectively

Although the Libyan Labor Code provides for collective agreements, there is no collective bargaining in Libya. The ILO's Committee of Experts (COE), for a number of years including 1989, has noted that the conditions which are laid down in the Labor Code for the validity of collective agreements are contrary to provisions of ILO Convention 98

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requiring free and voluntary negotiation of collective agreements.

c. Prohibition of Forced or Compulsory Labor

Libya has ratified the two ILO Conventions dealing with forced labor. The ILO's COE, in its 1989 Report, noted that "persons expressing certain political views or views ideologically opposed to the established political, social or economic system may be punished with penalties of imprisonment... involving...an obligation to perform labor." It also noted that public employees in Libya can be imprisoned and sentenced to compulsory labor "...as a punishment for breaches of labour discipline or for participation in strikes even in services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population."

d. Minimum Age for Employment of Children

No information is available regarding employment of children in Libya. In general, there is no evidence that child labor is a widespread practice.

e. Acceptable Conditions of Work

Libya maintains a work force of around 1 million workers in a population of 3.7 million. There is no minimum wage rate set by law. The legal maximum workweek is 48 hours. Libyan labor law defines the rights and duties of workers, and such aspects as compensation, pension rights, minimum rest periods, and length of the workday. Information on health and safety standards is not available.

Libyan labor law does not apply to the 300,000 foreign workers in Libya, who do much of the blue-collar and technical work. Their permission to stay in the country extends only for the duration of the contracts under which they are employed. Foreign workers are subject to arbitrary pressures, such as changes in work rules and contracts, with little option but to accept or to depart the country, often without full compensation for work already performed. The conditions of their employment are subject to negotiation between the worker and the employer. Foreign workers who are not under contract enjoy no protection and in past years have been expelled for such infractions as supporting or organizing strikes.

MALDIVES

The Republic of Maldives has a parliamentary form of government with a strong president. In practice, government control in this small, homogeneous society is exercised by an elite whose authority is based on long tradition. There are no political parties. Candidates for the unicameral legislature, the Majlis, run as individuals. The Majlis selects a single nominee for President who is subsequently approved or rejected by the voters. In 1988 President Maumoon Abdul Gayoom was reelected to a third term. This followed his unanimous nomination by the Majlis and subsequent approval in a public referendum by more than 95 percent of those voting.

Until recently, the Maldives had not been attacked or invaded for hundreds of years. It thus sees no need for a large defense and security establishment. In November 1988, however, a few Maldivians using foreign mercenaries attempted unsuccessfully to overthrow the Government. After the attempt, the Government moved to strengthen its security forces. The National Security Service (NSS), previously numbering fewer than 1,000, is now a force of about 1,500. The NSS is responsible for maintaining internal law and order and defending the country. The police division of the NSS investigates crimes, makes arrests, and enforces house arrest.

The Maldives comprises 1,200 islands in 19 atolls scattered across an area 500 miles long by 75 miles wide in the Indian Ocean. The isolation of individual islands from each other, and of the Republic as a whole from the rest of the world, is a dominant feature of social and economic life. Nearly half the population engages in traditional activities such as fishing, harvesting coconuts, and small-scale farming. Industry accounts for only 5 percent of the gross national product.

Human rights continue to be restricted in a number of areas, including speech and press, religion, the right of citizens to change their government, and women's and worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Maldivians follow Shari'a or Islamic law. Occasionally convicted criminals are flogged. Usually, however, punishment is confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote and sparsely populated island.

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d. Arbitrary Arrest, Detention, or Exile

The Constitution states that "no person shall be apprehended or arrested, except on a verdict specified by Shari'a or (civil) law." There is no provision under Maldivian law for preventive detention. Incommunicado detention is rare.

Acting on formal written complaints alleging commission of a crime, the Attorney General's office refers a case to the appropriate court. The court then instructs the police to undertake an investigation. A suspect may, depending upon the charges, be detained or placed under house arrest for 15 days while the case is investigated. In cases not brought to trial within 15 days, the suspect is freed. Detention or house arrest may be extended after the first 15 days by authority of the President, though usually for less than a month. There is no legal provision for bail. However, a defendant in detention who has valid reasons to travel may receive permission to do so from the Prisons Division.

Actions which "arouse the people against the Government" are illegal, and persons may be arrested for violation of this law, though none were in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There is a High Court and eight lesser courts in Male, the capital. Each deals with specialized cases, such as debt, theft, or property claims. On other islands, there are all-purpose courts. There are no jury trials. Trials are conducted by judges trained in Islamic law. They are appointed by the President and serve at his pleasure. Thus they cannot be considered fully independent. Cases in island courts that present knotty legal questions are referred to the appropriate specialized court at Male. The Male court can in turn refer the legal issue to four judges attached to the Justice Ministry. The High Court acts as a court of appeal. It also handles politically sensitive cases.

During trial, the accused may defend himself and call witnesses. He also may be assisted by a lawyer. However, there are few lawyers in the Maldives and courts do not provide them to defendants. The length and type of sentence are established by law and custom.

In 1989 the Maldivian judicial system faced an unprecedented challenge when it tried 7 Maldivians and 68 Sri Lankans accused of the November 1988 coup attempt. Court facilities were expanded and foreign translators located for the accused Tamil-speaking Sri Lankan mercenaries. However, a Sri Lankan lawyer engaged to represent these defendants was unable to secure government permission to participate in the court proceedings. The accused were therefore without legal counsel. All those tried were found guilty. Sixteen were sentenced to death, but the sentences were commuted to life in prison.

In its 1989 Report, Amnesty International (AI) stated that it had written to the Government, urging that the prisoners be granted access to lawyers and be tried in accordance with international standards, and that the Government had replied that the suspects would be tried according to Shari'a law.

MALDIVES

Other than those found guilty for attempting to overthrow the Government in 1988, there are no Maldivians serving sentences for political crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits opening, intercepting, reading, or making public letters, telephone conversations, telegrams, and wireless messages exchanged between persons "except in accordance with the specific provisions of the law." There is no evidence that the Government monitors correspondence or telephone conversations or uses a regular system of informers. The Constitution requires that private premises and dwellings be respected. There have been no reports of practices to the contrary.

There are no prohibitions on the import of foreign publications, except those containing pornographic material. Foreign broadcasts are not jammed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression "so long as the specific provisions of Shari'a and the law are not contravened." In practice, freedom of speech and press are restricted. A citizen may criticize or complain to the Government without fear if he does so through recognized channels. These include letters or oral complaints to the President, a Majlis member, a civil servant, or other person in authority. Maldivians often discuss the Government, sometimes critically, in private. However, the law forbidding arousing opposition to the Government, together with a tradition of authoritarian rule, make Maldivians careful when expressing their opinions to foreigners or in the media.

There are three privately owned newspapers. Each must register with the Government. The only government-owned publication is the News Bulletin. It is published by the Maldivian Department of Information and Broadcasting. There is no prior censorship of newspapers. However, because writers and editors are subject to prosecution if their articles contravene the law, self-censorship is well ingrained. No writers or editors were prosecuted in 1989 for writing articles alleged to have created antigovernment feelings.

b. Freedom of Peaceful Assembly and Association

The Constitution assures freedom of assembly and association. However, Maldivians make little use of these freedoms in a political sense. Most rallies and meetings are sponsored or approved by the Government and are usually addressed by government officials or religious leaders. Clubs and other private associations are permitted if they do not contravene Shari'a and civil law. They must be registered with the Government.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Freedom of religion is significantly restricted. The Constitution affirms Islam as the official religion and defines all citizens as Muslims. There are no churches, shrines or synagogues for the practice of any other religion. Missionaries of non-Muslim faiths may enter the Maldives but are forbidden to proselytize. Conversion of a Muslim to another faith is a violation of Islamic (Shari'a) law and would result in the loss of citizenship for the Maldivian convert. Links with Muslims in other countries are strong. Each year a number of Maldivians perform the hajj.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government discourages Maldivians from changing islands of residence, primarily because most migrants move to Male, which is severely overcrowded. In 1982 the Government reimposed regulations that limit immigration to the capital island and its surrounding atoll, permitting migration to Male for short periods only for work, education, or medical treatment.

There are no restrictions on foreign travel or emigration. The Government does not require exit visas. It requires a Maldivian who has acquired another nationality to maintain Maldivian nationality concurrently. Such a dual national must enter and leave the Maldives on a Maldivian passport. As far as is known, the Government has never revoked the citizenship of a Maldivian. There are no refugees or displaced persons in the Maldives. As far as is known, no Maldivians have been exiled abroad or are refugees or displaced persons elsewhere.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Maldivians have only limited and indirect influence on the selection and organization of their government. President Maumoon Abdul Gayoom rules the Maldives together with a well-educated elite loyal to him. A single nominee for President is chosen by secret ballot in the Majlis from as many candidates as are proposed by members. His nomination is confirmed or rejected in a nationwide referendum, also by secret ballot. President Gayoom was elected for a third 5-year term by this process in 1988.

Members of the Majlis, a unicameral legislature, are chosen for 5-year terms by secret ballot. All Maldivians over 21 years of age may vote. Of 48 members, 40 are elected--2 from each atoll and 2 from Male--and the President appoints 8. Individuals or groups may freely approach members of the Majlis with grievances or opinions on proposed legislation. The most recent Majlis election was held in November 1989.

While they are not forbidden by law, there are no political parties. President Gayoom has publicly discouraged their formation, declaring political parties inappropriate to the homogeneous nature of Maldivian society. In place of political parties, factions in the Majlis tend to form around individuals or points of view. Any member may introduce legislation. If seconded, it must be considered by the Majlis. The Majlis may question ministers and call for their removal. In practice, however, the Majlis generally supports the Government in its positions after discussing and sometimes amending its proposals.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights organizations. There were no public requests for outside investigation of human rights violations in 1989. The Government did respond to an inquiry from AI concerning the trials of those involved in the November 1988 coup attempt (see Section 1.e.).

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women by tradition play a subordinate role in Maldivian society, although they now participate in public life in growing numbers. Islamic practice is the basis for Maldivian civil law. It is therefore easier for husbands to divorce wives than vice versa. Islamic law, or Shari'a, also governs inheritance. Most women, like most men, are not part of the cash economy. Women who do work for wages--for the Government, in businesses on Male, or in garment factories--generally receive wages similar to those of men.

In late 1988 the Government opened the NSS to female applicants. There are now about 70 women in the NSS and more are being sought.

Violence against women occurs in the Maldives, but little is known about its extent. Abuse within the family, such as wife beating, is seldom mentioned publicly owing to the value attached to personal privacy in this conservative society, and the Government does not acknowledge the existence of a problem. There are no official statistics on the subject.

Section 6 Worker Rights

a. The Right of Association

There are no trade unions in the Maldives. The Government recognizes neither the right to form them nor the right to strike, and strikes do not occur. The Maldives are not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Workers' rights to organize and bargain collectively are neither recognized nor protected by law. There are no export processing zones in the Maldives, though the Government has granted certain tax concessions to investors who opened garment factories. As far as is known, the customary procedures governing conditions of labor are the same for garment factories and the economy as a whole.

c. Prohibition of Forced or Compulsory Labor

Although no information is available on Maldivian law on forced or compulsory labor, there have been no reported instances.

d. Minimum Age for Employment of Children

There is no compulsory education law or minimum age for the employment of young people. The Government has set no restrictions on conditions under which children or young people

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may be employed. However, most employers do not hire young people for work at night or in what are considered hazardous conditions.

e. Acceptable Conditions of Work

Until the mid-1970's, most Maldivians were either self-employed or held government jobs. There was a relative lack of interest in workers' rights or organization. During the last 7 years, however, three garment factories have opened, employing large numbers of workers. Agreements between the Government and foreign investors setting up these factories included no provisions for workers' rights or treatment.

In 1982 the Government established a Department of Labor, and an intergovernmental Labor Advisory Board met in 1987 to draft the country's first labor laws. The Board's work is not yet complete, and the country still has no statutory provisions for hours of work and length of annual leave. An 8-hour day, 6-day workweek is customary, though not enforced by law.

There is no national minimum wage, although the Government has established wage floors for certain kinds of work. The wage floor for garment workers is \$84 per month. Employees who work more than an 8-hour day are entitled to overtime pay. Government workers receive 3 weeks' leave per year under labor laws adopted in 1987.

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Morocco is a monarchy whose King dominates the country through the exercise of his wide-ranging governmental powers and his traditional role as spiritual leader of the country's predominantly Sunni Muslim population. The King makes all major political decisions, appoints and dismisses the Prime Minister and cabinet members, promulgates laws, presides over the Council of Ministers, may dissolve the nation's single legislative body (the House of Representatives), and may exercise powers by decree. The King often expresses his desire to strengthen democracy, and a few democratic practices and institutions in Morocco are in place. The Constitution provides for a pluralistic political system and a parliamentary form of government, and stipulates the freedoms of movement, expression, and association, among others. However, the Parliament exercises little real power, past elections have not been truly free, and constitutional freedoms are frequently ignored in practice.

The security apparatus is composed of several overlapping police and paramilitary organizations, operating within a framework of written legal provisions designed to maintain public order. All of the organizations are under the King's ultimate control, though many are administered on a day-to-day basis by the Interior Minister. In recent years, especially after the riots of 1981-82 and 1984, Interior Ministry and other security officials have been placed in administrative posts in other ministries, such as the Ministry of Religious Affairs, to ensure Interior Ministry oversight throughout the Government.

Private property and private investment drive the economy, which is based on the free-enterprise model. Morocco is rapidly undergoing urbanization; nearly 50 percent of the population now lives in cities and towns. Overall unemployment in urban Morocco stands at about 15 to 20 percent of the work force, and the creation of new jobs continues to lag behind population growth. New entrants to the labor force number more than 200,000 annually, and full-time employment is difficult to find outside the unskilled, manual trades, and lack of full-time employment is increasingly a problem for skilled workers and university graduates as well. Employment, or lack thereof, in rural Morocco is a function of the availability of arable land and annual rainfall. Rural incomes lag behind urban incomes by half.

In general the human rights situation did not improve significantly in 1989, and appears to have deteriorated in several areas. A positive step was the release in May by the King of 50 political prisoners, many of whom had been held for 14 years. For the first time, two of Morocco's human rights groups published lists of Morocco's political prisoners, estimated to number at least 225. Another favorable development was increased news coverage of human rights abuses, which reflected a growing awareness and concern by both Moroccan citizens and officials for human rights.

On the other hand, reports of police brutality, torture, and of cruel treatment and substandard prison conditions continued. When promised prison reforms were not forthcoming following mutinies and other protests, four political prisoners in Rabat resumed a hunger strike in June, which resulted in the death of one striker in August.

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There were a number of arrests of student activists, and in several instances police used force to put down student strikes and examination boycotts at universities and schools in protest against study conditions, other students' dismissals, and arrests. Freedom of speech and press remained significantly restricted, and in 1988-89 three monthly magazines went out of business as a result of government harassment and seizures. The Government in November convicted a newspaper director of spreading false information by publishing a communique by two human rights groups, but the King pardoned the director 3 days later. Other human rights concerns included arbitrary arrest and detention, lack of fair trial in political/security cases, and restrictions on freedom of association and on the right of citizens to change their government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known instances of political killings.

b. Disappearance

There have been few permanent disappearances in recent years, and none was reported in 1989. However, temporary "disappearances" continue to result from the practice of holding persons in pretrial detention, without notifying families or attorneys, for significantly longer than the legal limit of 10 days.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Human rights activists report that the number of incidents of torture, whether conducted in police stations or secret locations, remains high and most frequently involves detainees suspected of politically related crimes. Torture and other forms of cruel treatment most often take place during incommunicado detention following initial arrest, and confessions extracted during this period are often used to convict the suspect. Methods of torture reportedly include placing prisoners naked in small, dark punishment cells; beatings, often on the soles of the feet; and keeping prisoners in chains, restricting their movement and preventing them from standing upright.

While there is no indication that the incidence of torture increased during 1989, there was increased press coverage of torture and mistreatment. Based on a review of other papers and sources, the Socialist Party daily Al Ittihad al Ichtiraki reported 12 cases in 1988 of the death of persons while in official custody and 13 such cases in the first 8 months of 1989. These included deaths of persons in custody of police or local government officials. Although public officials are largely protected from investigation and prosecution for acts of torture, increased press coverage and demands by human rights groups have led to official investigations of some incidents of torture leading to death, but no prosecutions or administration hearings are known to have resulted.

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Moroccan prisons continue to be the focus of protests by prisoners, their families, and human rights activists. Prison legislation and standards have changed little since the colonial period. In September 1989, a new prison was opened in Sale to replace Rabat's prison, and a new prison in Casablanca is scheduled to open in 1990; both are intended to meet modern standards. In the old prisons, prisoners are held in degrading conditions which include unhygienic conditions in kitchens, cells and dispensaries, poor medical care, extremes of heat and cold, and lack of ventilation. Disease is prevalent, with a high incidence of permanent health defects, chronic illnesses, and ensuing mental disorders. Prisoners are often deprived of visitation rights and access to mail and reading materials, and their families are subject to harassment. Such mistreatment has led to deaths, suicides, hunger strikes, and revolt among political prisoners.

In late February, prisoners in Rabat's Lalou prison rioted and held the prison for 3 days before authorities were able to resume control by negotiating with the prisoners and promising to address prisoner complaints, including poor conditions, overcrowding (1,800 prisoners in a prison built for 400), mistreatment, and a particularly abusive prison director. When the prisoners' complaints were not rectified, four prisoners undertook hunger strikes which ultimately resulted in the death of one striker in August. The other three were sent to the Rabat hospital in serious condition.

Other hunger strikes took place in prisons throughout Morocco during the year. Three persons on a hunger strike since April 1985 in Casablanca are still being held incommunicado in Averroes hospital. Authorities claimed in August that one, Moulay Tahar Douraldi, had requested transfer back to prison and had ended his strike, but his family, denied visitation rights, has been unable to confirm this.

Prison conditions and the hunger strikes were the focus of numerous communiques and demarches on Justice Ministry officials by Morocco's three human rights organizations. In September the Government issued a "clarification" which claimed that none of the four persons on hunger strikes were political prisoners (although it admitted all were condemned for belonging to illegal organizations), that all had received fair trials and the right to counsel, and that further inquiries in these cases would be considered "interference in the internal affairs of the Kingdom."

d. Arbitrary Arrest, Detention, or Exile

The Government often ignores guarantees of procedural due process. Moroccan law requires that a detainee be brought before a judge within 4 days of detention and informed of the charges against him. For political crimes, a detainee can be held 8 days, with a 4-day extension. These minimal legal requirements are widely disregarded. Detainees are often held up to several weeks or longer before appearing before a judge, frequently without notice or access to an attorney or to families. It is largely during these periods of initial incommunicado detention that torture and other inhumane treatment occurs.

Most persons are arrested in public view, but police sometimes refuse to identify themselves, and warrants are not always used. Arrests are frequently made only on the basis of suspicion. Moroccan law requires that a lawyer be in

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attendance after initial presentation of the detainee before the review court, but no such right exists for the prior period of police custody. Morocco does not have an extensive system of bail, although defendants are sometimes released on their own recognizance. Moroccan law does not provide for habeas corpus or its equivalent. Under a separate code of military justice, military personnel have been detained in past years without warrants or announcement of trial. No such incidents were confirmed in 1989.

Although reliable estimates of the number of arbitrary arrests and incommunicado detention are not available, an outbreak of student strikes in the spring of 1989, primarily in Kenitra, Fez, Oujda, Meknes, and Tetouan, resulted in the detention of several hundred students and many arrests. According to press and human rights sources, many were arrested arbitrarily, roughed up, and released without being charged. Others, charged with disturbing public order and illegal demonstrations, were tried, often without counsel or with inadequate notice to counsel, and received sentences of 5 months to 1 year plus fines. The Government ignored the protests of all three of Morocco's human rights groups concerning the arrests. Lawyers attempting to intervene on behalf of the students were often denied access to them.

There are no known instances of political activists sentenced to exile, although there are activists who prefer to remain abroad rather than risk arrest on their return to Morocco. In March Mohamed Ait Kadour, a Socialist Party member who was sentenced to death in absentia after the 1972 assassination attempt against King Hassan, was arrested upon his return to Morocco from voluntary exile in France although he holds a French travel document as a political refugee. In November, after serving 8 months in prison, Ait Kadour was pardoned by the King. According to some reports, the Government has refused to issue passports which might enable exiles to return. As of the fall of 1989, there was no sign that other political activists living in exile would be able to return to Morocco without fear of arrest.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Although Morocco has a well-developed judicial system which includes courts of original jurisdiction, appellate courts, and a supreme court, those accused of political/security offenses often do not enjoy the procedural safeguards needed to ensure a fair trial. Most cases are handled by civilian/secular courts based in part on French legal tradition, but a parallel judicial system exists which uses Islamic legal principles to deal with marriage, divorce, child custody, and inheritance for Muslim Moroccans. In the Islamic courts, Western legal practices are not applicable, and Koranic principles govern the limited kinds of cases heard.

In general, cases are brought before an initial review court--the court of first instance in Morocco--which can call for a hearing quickly to bring cases to trial. The detainee is informed of charges and questioned by the judge to decide if they have merit. If not, or if the infraction is minor, the judge may release the detainee or impose a light sentence.

If a lengthy investigation is required, the judge may release detainees on their own recognizance. In cases of political

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crimes, detainees are often held for long periods before trial. There are reports of detainees convicted on the basis of forced confessions extracted under duress.

The Moroccan judicial system is generally considered susceptible to political intervention and control in cases viewed as challenges to royal authority or state policy. Human rights activists claim that only a minority of lawyers dare to take cases of defendants involved in political issues, and some defense lawyers are intimidated or persecuted. Activists claim that trials involving political issues are held in an atmosphere of harassment designed to confuse both defendants and their attorneys. Because of overcrowded court dockets and the lack of judicial resources, defendants often receive only cursory hearings, and judges depend on police reports to decide cases. Although the State provides an attorney at public expense for serious crimes (when the sentence is over 5 years), appointed attorneys often provide inadequate representation. For lesser crimes, needy defendants usually are not represented by counsel.

In May King Hassan released 50 prisoners, some of whom had served up to 14 years for activities considered subversive. Because they were not amnestied from their "crimes," however, they have been unable to find employment or to obtain passports or other government documents. The former prisoners have complained of continued police harassment and surveillance.

The Government denies that it has any political prisoners. King Hassan explained in September that political detainees are in prison because of their "treasonous" opposition to Morocco's claim to the Western Sahara.

For the first time in 1989, two of Morocco's human rights groups provided documentation on political prisoners in Morocco, listing names, charges, sentences, and prisons. They estimated that, following the release of 50 political prisoners in May, about 225 political prisoners remain. However, the groups believed their lists to be incomplete, since many students arrested in 1989 were not accounted for, and not all Islamic fundamentalists or persons imprisoned for involvement in the two coup attempts in the early 1970's were included. All three Moroccan human rights organizations asked the Government for a general amnesty of all political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Arbitrary government interference in the private lives of citizens is relatively infrequent. The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant. This stipulation is not always observed, however, and there are continuing allegations of illegal searches of the homes and offices of suspected political activists. It is widely accepted that the government security services selectively monitor certain individuals and organizations, including their telephones and mail. The university campuses are under close surveillance, and an informant system exists, especially on the campuses and in the inner cities.

The Government does not generally interfere with the private beliefs of the individual, and there is no forced membership

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in political organizations. The Government remains concerned about the spread of what it considers Islamic radicalism and carefully monitors activities in the nation's mosques.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression; however, political meetings are closely watched, criticism of the monarchy and Islam is not tolerated, and, in the opinion of most observers, neither foreign policy nor domestic politics is fully open to free discussion. The Government has made it clear that any challenge to Morocco's claim to the Western Sahara is not subject to public debate.

There is no truly independent daily Moroccan press. The dailies primarily present the opinions of the palace or the officially recognized political parties. The Ministry of Information, headed by the Minister of Interior, owns and controls the Arabic daily Al Anbaa as well as the Moroccan press agency, the Maghreb Arab Press, which disseminate official views. All newspapers receive government subsidies, with the three dailies in the propalace Le Matin group--Le Matin and Maroc Soir in French and Assahra in Arabic--receiving a disproportionate share. All other dailies are owned and controlled by Moroccan political parties and serve as party organs.

There was considerable press criticism of the Government and some discussion of political and socioeconomic issues during the year, though there was no serious discussion of the Government's 1988-92 planning objectives, priorities, or strategy. Investigative reporting is severely limited, and journalists are under government pressure to conform to government policy through self-censorship. For example, newspapers and journal publishers and editors are frequently called to the Ministry of Information to explain articles considered objectionable by the palace and warned to discontinue coverage of certain topics. The Socialist Party daily Al Ittihad al Ichtiraki and the Communist Al Bayane were threatened with closure numerous times in 1989. Mohammed Idrissi Kaitouni, editor of the Istiqlal Party daily L'opinion, was tried for publishing the joint communique of two Moroccan human rights groups concerning the deaths of four persons in August, allegedly while in police or official custody, because the Government considered the report a "falsification." The editor's trial lasted 1 month and was covered by the Moroccan and international press. On November 9, he was convicted and sentenced to 2 years in prison and fined the equivalent of \$250. Three days later King Hassan II pardoned the editor, but the conviction created uncertainty among journalists and human rights activists about what they can safely publish on sensitive human rights issues.

There are a number of privately owned periodicals and journals. Without the protection of vested interests, such as political parties, publication of social criticism in these periodicals often has proved fatal to such independent journals. Three publications closed in 1988-89 because of government harassment and seizure. According to informed observers, Lamaalif, a well-respected French-language monthly, closed down in the summer of 1988 after 20 years of publication because of continued threats and complaints by the Ministry of Information about material it had published.

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Kalima, a popular French-language monthly, stopped publication in April following government seizure of an issue devoted to freedom of the press in Morocco. A letter to its readers explained that after three seizures and one suspension in a year, it could no longer afford to continue. Finally, Al Massar, an Arabic-language weekly with extensive human rights coverage, closed in December 1988 in the face of an \$18,500 fine and suspended prison sentence for its publisher on the charge of defamation. Human rights activists claimed that the lawsuit, brought for publishing an article critical of a local official, was designed to intimidate the paper and put it out of business. It did.

Officials have regularly seized foreign publications entering the country from abroad. Distribution of some issues of international papers, including the International Herald Tribune, Le Monde, and the London Times, was prevented in 1989 when they included articles deemed highly sensitive by the Government. For the most part, foreign publications are available to the public.

The Government owns and controls the sole radio and television station received by viewers throughout Morocco. Parts of the country receive programs from southern Europe. In 1989 a second Moroccan television channel, owned by a private holding company controlled by the royal family, began operation. Radio Mediterranee International, coowned by the palace and the French company Sofirad, has a more independent voice and an audience in Algeria and Tunisia as well as in many parts of Morocco.

There is a limited measure of academic freedom. Although there are strictures against scholarly investigation of the monarchy and Islam, limited research and publishing on Islam and Islamic fundamentalism goes on.

b. Freedom of Peaceful Assembly and Association

There are constitutional guarantees of assembly and association, but these rights are carefully controlled to the point of abrogation. Two decrees dating from 1935 and 1939 enable the Government to suppress popular manifestations of dissent, peaceful or not.

Groups seen as threatening the political stability of the regime, such as declared radical leftists and Islamic fundamentalist organizations, are outlawed. Private, nonpolitical associations are usually permitted after they register with the Government, and professional, religious, business, and cultural associations are active. Permits are required for public meetings, and if the requesting group is a legally registered association, permission is usually--but not always--granted. For example, in 1988 a new organization, the Moroccan Organization for Human Rights, was denied permission to hold its inaugural meeting on three occasions but finally met on December 15, 1988. It continued to meet without interference in 1989.

There were student disturbances, including strikes and examination boycotts on many university campuses again in 1989. While most demonstrations were peaceful, a few resulted in bloody clashes with security agents. A student organization, the Union Nationale des Etudiants Marocains (UNEM), banned in 1973, was legalized in late 1988 by the Interior Ministry. Many youth activists complained the new

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UNEM was co-opted by government authorities and was no longer the independent, representative, broad-based student organization it had been. UNEM is becoming increasingly factionalized and paralyzed by an emerging radical anarchist group, who accuse the mainstream UNEM members of being co-opted. Most students choose not to belong to UNEM (which entails being listed on a roster) for fear of being arrested and jailed in the event of riots on campus. Some students also fear that UNEM has been infiltrated by security forces.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population is over 99 percent Sunni Muslim, and Islam is the official religion. The King bears the title "Commander of the Faithful," and he is the religious as well as secular leader of the Moroccan people. The Constitution provides for freedom of worship, although proselytizing is prohibited by law. Islamic tenets and ingrained popular attitudes strongly discourage conversion from Islam to another faith, and Moroccan converts to Christianity are occasionally subject to rough treatment and arbitrary arrest by police. Some African Christian foreign students on government scholarships reported pressure by university officials to convert to Islam, but African diplomats do not confirm such reports.

There are organized communities of Christians and Jews in Morocco. There are from 7,000 to 10,000 Jews, most of whom live in Casablanca and several other major cities. The Jewish community operates private schools and social institutions as well as a number of synagogues. Publications in Hebrew are permitted, and rabbis serving the Jewish community are trained in Morocco. Jews are active and influential in the business community. They are also represented in the Government.

The Government adheres to a pledge by the King to guarantee the Roman Catholic Church's right to conduct both religious and charitable work. Catholic clergy, who come exclusively from abroad, minister to some 100,000 foreign residents with parishes in most cities. As a result of the Pope's visit in 1985, a resident apostolic nunciature was established in 1986. As in past years, there continued to be reports of administrative harassment and surveillance of members of the Baha'i community, including the continuation of the 1983 ban on the holding of any meetings or religious ceremonies and the sealing off of the Baha'i cemetery in Rabat.

The King and other religious leaders continue to oppose "radical" religious beliefs, and a number of Muslim fundamentalists (see Section 1.e.) have been imprisoned. Interior Ministry officials monitor what is taught in the mosques and report deviations from orthodox Sunni Islam.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is unrestricted throughout Morocco. As the administering authority in the Western Sahara, however, the Moroccan Government restricts movement in areas of the territory which are militarily sensitive. There were no reported cases of restrictions on foreign travel for political reasons in 1989, although persons imprisoned for political reasons in the past have had difficulty obtaining passports.

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While there are no formal restrictions on foreign travel and emigration, it often takes an ordinary citizen months, good connections, and even well-placed bribes to obtain a passport. In some cases, a passport may not be issued at all. The Minister of Interior undertook to expedite the process, but delays and difficulty in passport issuance remain the norm rather than the exception. In August the Ministry of Interior announced that the procedures for obtaining passports would be streamlined, and it appears that for most Moroccans passports are somewhat easier to obtain. However, there are human rights activists who are still unable to travel outside Morocco because they have not been able to get passports.

A woman is obliged to have the permission of her father or, if married, her husband to obtain a passport. A divorced woman must receive her father's permission for a passport and, if she has custody of children, she must have the children's father's permission for passports to be issued to children.

There are no known instances of the Government depriving any citizen of Moroccan nationality. Moroccan law considers any person who acquires Moroccan nationality to be a citizen for life. Many Moroccans hold dual nationality and travel on passports from two countries; while in Morocco, however, they are regarded as Moroccan citizens. As a result, the Government has often refused to recognize the right of foreign embassies to act on behalf of dual nationals, or even to receive information concerning their arrest and imprisonment. This has been a major problem for some Western European embassies. Moroccan law encourages voluntary repatriation for Jewish community members who have emigrated from Morocco. It also encourages the return of Saharans who have opposed Morocco in the Western Sahara conflict. Returning former Polisario members deemed to pose no security threat are reintegrated into Moroccan life.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Moroccan citizens cannot change their Government since the Parliament has little or no authority to effect change. All executive power is vested in a government appointed by the King which serves at his pleasure. Moreover, the Constitution may not be amended without the approval of the King, who would be unlikely to abolish or modify the monarchy or the current system of government. The King's messages to the House of Representatives and the nation are not open to debate. The King's Prime Minister shares with Parliament the responsibility for initiating legislation, although in practice he initiates all legislation, thus controlling the legislative process. The Parliament passes the annual budget and other items of legislation. However, many measures of importance are promulgated as government decrees or by royal proclamation. Opposition politicians frequently complain that the Government, which must approve the introduction of legislative bills into the Parliament, does not give the body sufficient work, both in terms of the volume of the legislation referred to it and of the importance of the legislation. Opposition party leaders also complain that the Government fails to keep the Parliament advised of developments relating to key issues. Parliamentary absenteeism continues to be high.

While government legislative proposals are rarely rejected outright, the Parliament is sometimes able to modify the bills

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it passes and, on occasion, persuade the Government to delay or withdraw legislation. For example, the Government introduced legislation authorizing a sweeping privatization program in the fall of 1988. The Parliament passed the Government's privatization bill in December following the introduction of some modifications in response to opposition complaints.

Nonetheless, the system allows some space for political parties which represent factions that developed during the independence movement. More than a dozen political parties, representing a spectrum of political philosophies from far left to conservative, competed in the municipal elections of 1983 and the 1984 parliamentary elections. Some of the results were challenged, with widespread accusations--which persist today--of government tampering, both in terms of the selection of the candidates and in the tallying of the results. In a number of cases, these challenges were upheld in court. The Moroccan Constitution requires a referendum in order to extend the term of Parliament, and in December the people approved by referendum the extension of the current Parliament's term for 2 years. The King may extend the term of municipal councils by decree, and in November he did so for two years. Consequently, the next parliamentary and municipal council elections will now occur by September 1992.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is very sensitive to human rights inquiries and international publicity and does not welcome inquiries from or cooperate with nongovernmental organizations. In September 1989, representatives from the International Association of Democratic Jurists and from the International Commission of Health Professionals visited Morocco to inquire about the political prisoners on hunger strike in Rabat and Casablanca (see Section 1.c.). The Government refused to meet with the visitors or allow them to see the hunger strikers. The Government later published a warning that further inquiries about the hunger strikers would be considered "interference in the internal affairs of the Kingdom of Morocco." The Government is often slow to respond to inquiries from embassies into alleged human rights cases; many inquiries have gone unanswered for up to 2 years.

Morocco has three human rights groups; two are affiliated with opposition political parties, and the third is nonpartisan. The Moroccan League for Human Rights is affiliated with the Istiqlal Party, and the Moroccan Association for Human Rights is affiliated with one wing of the Socialist Party. Since June 1988, these two organizations have formed a coordinating committee and often issue joint communiques. The Moroccan Organization for Human Rights, formed in December 1989, is nonpartisan.

All three groups were active throughout 1989 in protesting government actions, especially in the area of prison conditions, official abuse of prisoners (including political prisoners and the hunger strikers), and government interference with the press. All three issued numerous communiques, met with government officials, and corresponded with the Government. Although the three groups were not effective in changing government policy, they claim some success in popularizing human rights and sensitizing public opinion.

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Morocco's human rights groups report that Morocco has neglected in recent years to submit reports to the U.N. Human Rights Commission in Geneva, as part of the U.N. process.

Section 5 Discrimination Based on Race, Sex, Religion,
Language, or Social Status

The Constitution affirms the legal equality of all Moroccans. In the professions, women have made progress in law, medicine, and teaching, but progress in professional fields has not been matched in the society at large. Many women also work in government. The Government does not have any special programs to eradicate discrimination or to promote women, especially in the area of private law.

Divorce is permitted, but a husband can simply repudiate his wife while a wife cannot repudiate her husband. A man is permitted four wives according to Islamic tradition, although multiple marriages are rare (perhaps 1 to 4 percent of the population). Serial marriages have become more common owing to the ease of divorce for men. Segregation of the sexes is common, especially in social settings. However, among the urban poor, as well as increasingly among middle and upper class families, women work outside the home and contribute to family income. Women have begun to dominate clerical jobs in the city. The woman's role in rural areas is traditional; it is the women who live in more urban areas who are seeing some degree of liberalization of their roles.

Moroccan laws and social practices governing violence against women reflect Morocco's Islamic culture and the importance Islam places on the honor of the family as reflected in the sexual conduct of its women. For example, the Moroccan penal code includes severe punishment for men who are convicted of raping or violating a woman or girl, and the burden of proof is on the defendant. However, because of the terrible stigma attached to not being a virgin, sexual assaults often go unreported. Furthermore, to protect the social status of young girls who have been violated, the law permits the perpetrator to contract a marriage with his young victim after the fact. These marriages often occur while the perpetrator is in preventive detention.

Moroccan law excuses the murder or injury of a wife who is found in the act of committing adultery if the husband surprises her and her lover. A woman would not be excused after committing violence under similar circumstances.

Domestic violence occurs in some Moroccan homes, particularly in rural areas and the poorer quarters of the cities, where wives are frequently beaten by their husbands and sisters are often hit by their brothers as a form of discipline. Beating and slapping are believed by some Moroccans to be sanctioned by Islamic tradition, and so are accepted. Although a woman has the right to complain to the police in the case of a severe beating, as a practical matter she would not generally do so unless she is prepared to file for divorce and leave her husband's home.

Some Berber spokesmen claim that Moroccan institutions do not reflect the Berber character of the population and that, as a result of the lack of Berber-language schools, the Berber identity is not adequately maintained. A popular intellectual monthly review, largely dedicated to questions of Berber identity, was suspended in 1983 and has not reappeared. Even

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so, Berbers continue to play a significant role in national and local affairs. Some state-owned radio stations broadcast several hours daily in the Berber language. Two political parties, both part of the governing coalition, represent largely Berber areas, and Berbers continue to be well represented in the officer corps of the military.

Section 6 Worker Rights

a. The Right of Association

The right to organize trade unions is provided for in the Constitution. Workers are free to form and join unions throughout the country. The right is exercised widely, but not universally. On occasion, the selection of union officers and their ability to carry out their duties is subject to government pressure. In November 1989, the ILO's Committee on Freedom of Association, considering allegations that the transfer of newly elected officers by the state drinking water agency was an antiunion measure, recalled its earlier warnings to the Government and reminded it of the principles of noninterference in union elections.

Some 1 million of Morocco's 7.5 million workers are organized. Three of the 13 existing trade union federations dominate the labor scene; all are independent of the Government. They are the Union Marocain du Travail (UMT), the Confederation Democratique du Travail (CDT), and the Union Generale des Travailleurs Marocains (UGTM). Each has a leadership elected democratically. The UMT has no political affiliation, the CDT is linked to the Socialist Union of Popular Forces (USFP), and the UGTM to the Istiqlal Party. Both the USFP and Istiqlal are currently opposition parties.

Unions in Morocco have the right to strike and do so often. Most of the work stoppages are intended to advertise grievances and last 24 hours or less. The December 1988-January 1989 strike at the Jerada parastatal coal mines led by the CDT, however, lasted nearly 2 months and attracted international attention. The firm eventually settled with the CDT, agreeing to a 5-percent wage increase and other concessions, which were far below original demands. A second long strike began in August at an American firm in Casablanca. This dispute, complicated by rivalry between the UMT and the UGTM, was still unresolved at year's end, although the company had returned to full production.

Unions in Morocco belong to regional labor organizations and maintain ties with international trade secretariats.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and bargain collectively. The multiplicity of trade union federations creates competition to organize workers. Any group of eight workers can organize, and it is easy for a worker to change trade union affiliation. Thus a single factory may contain several independent locals or locals affiliated with more than one labor federation.

In both the process of organizing and during collective bargaining, labor laws are honored most often in the industrial sector of the economy, in which government mechanisms to promote worker-employer negotiations are more easily applied. In the informal and underground economies,

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especially the recently burgeoning textile sector, and in the artisanal field, labor laws and regulations are not only less carefully observed but are often ignored entirely. To some degree, the state of the economy, with widespread youth unemployment, hinders protection of the organizing and collective bargaining process. Because of constitutional guarantees of the right to organize and bargain collectively, the principle of collective bargaining is implicit rather than explicit in the labor codes themselves.

In Morocco, collective bargaining agreements are often invoked in legal disputes when a worker claims to have been reprimanded or dismissed for trade union activity. Employers usually cite work-related reasons for the dismissals. An employer intending to fire workers without replacing them must apply in advance to the provincial governor through the labor inspector's office. In the more usual cases where employers plan to replace fired workers, however, the labor inspector provides replacements and mediates the cases of workers who protest their dismissal. Any worker fired for a serious infraction, such as sabotage, is entitled by law to a court hearing. An employer found to have dismissed a worker unjustly is liable for fines or even imprisonment. Because inspectors are overburdened, workers have turned increasingly to the court procedure for the resolution of complaints. Moroccan labor law applies equally to the small Tangier Export Zone. The proportion of unionized workers there is about the same as in Morocco as a whole.

Despite constitutional protection, unions complain regularly that employers suspend or dismiss their members for trade union activity without penalty, although the law entails fines or imprisonment for some labor law violations. Under Moroccan law, labor inspectors serve as investigator, judge, and jury and carry heavy workloads and are not very effective. Workers thus have turned increasingly to the courts for the resolution of complaints.

Several allegations of antiunion discrimination in Morocco have been considered by the ILO in recent years. Again in 1989 the ILO's Committee of Experts (COE) remarked on the shortcomings of Morocco's laws protecting workers against antiunion discrimination. While noting that the new draft Labor Code would bring Morocco into conformity with ILO Convention 98 on the Right to Organize and Bargain Collectively, the COE regretted that the new Code has still not entered into force.

c. Prohibition of Forced or Compulsory Labor

Morocco has ratified both the International Labor Organization's conventions against forced labor, although there appears to be no Moroccan legal or constitutional prohibition against such labor. As far as is known, there is no forced or compulsory labor in Morocco.

d. Minimum Age for Employment of Children

Under Moroccan law, children cannot be employed or apprenticed before age 12. Special regulations govern the employment of children between the ages of 12 and 16. In artisanal work, however, children are often apprenticed before age 12; the argument is made that they need to acquire skills, such as weaving or rug-making, at an earlier age. Five years of

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primary education is compulsory, starting at age 7, but enforcement in the countryside and poorer urban areas is lax.

Safety and health conditions as well as salaries in enterprises employing children are often substandard. Children are also employed informally as domestics and usually receive little or no wages. In 1989 Moroccan and international sources highlighted abuses of minors in the rug-making industry. Detection of abuses of the child labor laws is complicated by the fact that many abuses occur in the countryside or in private homes.

e. Acceptable Conditions of Work

The minimum industrial wage was raised in May 1989 by 10 percent to about 56 cents an hour. Agricultural workers also received a 10-percent increase in May 1989 to about \$2.90 per day. Despite subsidies, a family cannot maintain a decent standard of living on the minimum wage of a single worker. In many cases, several members, some of them working in the informal economy, combine their income to support the family.

The informal sector provides a safety net for those who would otherwise be unemployed or underemployed. Most industrial workers in the modern sector of the economy earn more than the minimum wage. Moreover, workers are customarily paid between 13 and 16 months' salary for every 12-month year.

Moroccan law provides a 48-hour maximum workweek (with not more than 10 hours for any single day), premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including the prohibition of night work for women and minors. As with other regulations and laws, these are observed unevenly and have little meaning in the informal sector. Labor inspectors endeavor to monitor working conditions, accidents, and labor disputes, but lack sufficient resources and authority to investigate many complaints and assure compliance with the law.

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Morocco assumed administration of the northern three provinces of the Western Sahara after the withdrawal of Spanish forces in 1975, and of the southernmost province in 1979 when Mauritania renounced its claim to the area. Since 1973 the Polisario, an organization which Algeria has supported and which seeks independence for the Western Sahara, has challenged first Spain's and later Morocco's claim to the territory. During 1989 sporadic fighting between Polisario and Moroccan forces continued until October, when the Polisario resumed heavy attacks.

Sovereignty over the territory remains a subject of international dispute. At the request of the General Assembly, the International Court of Justice issued an advisory opinion in 1975 which concluded that the people of the Western Sahara were entitled to self-determination and that Spain, Morocco, and Mauritania were not entitled to exercise sovereignty over the territory. The Organization of African Unity (OAU) has attempted to mediate a solution. In 1981 Morocco agreed to the holding of a referendum to determine the population's wishes regarding independence or integration with Morocco. These efforts collapsed in 1984 when the Saharan Democratic Arab Republic (SDAR), the civilian arm of the Polisario, was seated at the OAU summit, and Morocco withdrew from the OAU in protest. Morocco also rejected an OAU resolution calling for direct negotiations between Morocco and the Polisario.

Morocco called upon the United Nations to administer the referendum, and in 1986 U.N. Secretary General Perez de Cuellar lent his good offices to efforts to arrange it. In November and December 1987, a U.N. technical team visited the territory to explore the practical modalities of a referendum. On August 30, 1988, Morocco and the SDAR accepted in principle the Secretary General's proposal to conduct the referendum under U.N. and OAU auspices, and the Secretary General named a special representative to work out the practical details.

In 1989 some progress was made towards holding the referendum. In early January, King Hassan II received a high-ranking delegation of Polisario leaders for the first time, and in mid-January the U.N. Special Representative visited the region to discuss the modalities of the referendum. Secretary General Perez de Cuellar's June visit to the region, including to Morocco, Mauritania, Mali, and Algeria, resulted in the establishment of a technical commission to implement the "peace plan" in the Western Sahara. The first meeting of this commission took place at the U.N. in July between representatives of Morocco and the Polisario as well as representatives of the U.N. and the OAU. Despite this progress, disagreement continues over conditions for the referendum, and no date for it has yet been set. In November, however, King Hassan made clear his expectation that the Western Sahara referendum should be accomplished before the next parliamentary and municipal council elections take place in September 1992.

The civilian population in the approximately 85 percent of the Western Sahara under effective Moroccan control is subject to Moroccan political institutions and laws. In general, they experience the same human rights and worker rights practices as Moroccans in areas of undisputed Moroccan sovereignty. There are reports that some Saharans often have more

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difficulty obtaining passports, that their political views are more closely monitored than those of residents of Morocco proper, and that police and paramilitary authorities react especially harshly against those suspected of supporting the Polisario. The Moroccan Government denies such charges and counters with allegations of Polisario human rights abuses. Since there has been no opportunity to evaluate the human rights practices of the Polisario in areas of the Western Sahara outside of the Berm, the Moroccan earthwork defense line, these allegations cannot be confirmed or ruled out.

During 1989 Moroccan officials reported several defections to Morocco of former Polisario members from Polisario-controlled territory. These included two high-level Polisario leaders, as well as lower ranking officials. Moroccan officials and the defectors claim that the Polisario prohibits persons wishing to return to Morocco from leaving the Polisario camps at Tindouf. The Polisario has responded that these defections were the result of attempts by Morocco to create divisions within Polisario ranks. The defectors appeared to reintegrate into Moroccan society without difficulty or harassment from Moroccan officials. On numerous occasions in 1989, King Hassan publicly welcomed the "return to Morocco of all Saharans."

Within the Western Sahara, there is little organized labor activity (outside the area under Moroccan control, there is virtually no modern economic activity). Since all salaries in both the private and public sectors are at least twice those in Morocco, wage demands are not an issue. For example, the phosphate industry, the only indigenous industry and largest employer, employs about 2,000 persons who work in harsh desert conditions, but workers accept the jobs because of the attractive pay. Unemployment is not a problem owing to the investment in the region by the Moroccan Government. A program announced in July 1988 to employ 2,000 Saharan youth in jobs outside the territory has apparently eliminated most youth unemployment.

The same labor laws that apply in Morocco apply in the Moroccan-controlled areas of the Western Sahara, and enforcement is equivalent to that in Morocco proper.

The Polisario has established an embryonic labor wing called the Sario Federation of Labor (UGTSARIO), which reportedly enjoys close relations with the Communist-controlled World Federation of Trade Unions and with a few Arab and African national labor centers; however, UGTSARIO does not engage in customary trade union activities in the Polisario-controlled areas.

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The King is the sole source of authority for all government institutions in Nepal, the world's only Hindu Kingdom. Although traditional and constitutional restraints limit the King's powers, he rules as well as reigns. Political parties are formally banned but are permitted to function more or less openly. However, elections are officially contested on an individual basis. The National Panchayat (legislature) consists of 112 representatives elected directly on the basis of universal adult suffrage and 28 representatives appointed by the King. Legislation passed by the National Panchayat must have the King's approval to become law. The Supreme Court can invalidate laws which it finds to be inconsistent with the Constitution. Officially, the National Panchayat selects the Prime Minister from its ranks; in practice, he must also be acceptable to the King. The Prime Minister appoints the Council of Ministers (cabinet), which is answerable both to the National Panchayat and to the King. The Council manages day-to-day government operations and advises the King.

Internal security in Nepal is maintained by the national police and, as necessary, by the army. Because communication links in Nepal are limited, local officials have a great deal of autonomy and exercise wide discretion in handling law and order issues.

Nepal is one of the world's poorest countries. Over 90 percent of its 18 million people are engaged in subsistence agriculture. Economic development varies widely: the Kathmandu valley and the Terai (the lowland area adjacent to India) are being developed more rapidly, but population pressures and environmental degradation in the hills between the Terai in the south and the Himalaya mountain range in the north keep the hills the poorest region of the country.

Human rights in Nepal remain seriously restricted. Reports of beatings and other mistreatment of prisoners continue to be received. Citizens do not have the right to change their government. Their rights to the freedoms of speech and press, assembly and association, and religion are restricted in varying degrees, in most cases severely. Worker rights are limited by law, and women's rights are limited by tradition and illiteracy. Christians, including a prominent leader, continue to be imprisoned on charges of proselytizing, and a Christian church service in Kathmandu Valley was disrupted and the pastor and some members of the congregation beaten and jailed in November. There were concerns at year's end about the status of Christians in the Kingdom as a result. Arrests of Nepali Congress Party activists occurred periodically (1,000 were arrested in September), primarily for protesting Government measures regarding the dispute with India, but almost all were promptly released, a relaxation of previous detention policy. The Government introduced or revised several laws to reform arrest and detention and registered, reportedly for the first time, a human rights organization.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known instances of such killings in 1989.

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b. Disappearance

There were no reports of government-instigated disappearances. However, the Government has not yet accounted for eight persons, arrested in the past 4 years, who disappeared, according to local press and human rights organizations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were continuing reports of beatings and other brutal treatment of prisoners by police officials, particularly in the rural areas. The Human Rights Protection Forum, a private Nepalese organization, in a bulletin issued in April, alleged that police officials often use both psychological and physical torture during interrogation to obtain confessions in lieu of proper investigative techniques. The Government has rarely conducted active investigations into allegations of police brutality or acknowledged public concern about its prevalence.

In 1989 the King approved an amendment to the Jail Act which requires yearly inspection of local jails by the zonal commissioner and punishment of jail authorities who keep prisoners or detainees longer than the legally prescribed period. The amendment did not, however, address physical abuse of prisoners. The Civil Code does call for the punishment of jailors who withhold food, detain people without legal grounds, or keep detainees in handcuffs or fetters without legal grounds.

Care of and facilities for treating the mentally ill are inadequate; such persons are often placed in jails under conditions that are degrading and sometimes inhumane.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrests and brief detention are common. Although exact numbers are difficult to determine, it is reliably estimated that over 2,000 such arrests and detentions took place in 1989. On the national level, short-term arrests and detentions, sometimes without the issuance of any order, may be used to suppress political opposition. On the local level, officials have broad authority and little supervision from the central Government. Nepalese human rights organizations report that this often leads to abuse of power, with persons held incommunicado in police custody for extended periods, sometimes months.

A new Public Security Act (PSA), approved by the King on September 28, permits up to 18 months' detention before charges must be filed (the 1961 Act allowed 36 months). In a significant change from past practice, local authorities must now present a written detention order with "grounds and reasons" at the time of detention and must notify the district court within 24 hours. The listed grounds for detention have not changed from the 1961 Act and are open to broad interpretation. A person may be detained if it is suspected that his actions might affect: 1) the security of Nepal; 2) order and tranquility inside Nepal; 3) amicable relations between Nepal and other friendly states; and 4) amicable relations among people of different classes or religions within Nepal. Persons detained under the Act are not brought to trial.

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Critics of the new Act assert that the Government is attempting to bring the judicial system into the executive branch's administration of the detention process. They point out that under the PSA the detainee still has no recourse to legal counsel at any point in the process. There are reports that some prisoners have been held in jail after completion of their sentences and, in some cases, in defiance of a Supreme Court order for their release. The new PSA provides that upon completion of the detention period, the detainee is to be released in the presence of the district court judge or his deputy. Rearrest is possible for a new 18-month period.

The Public Offenses Act, aimed at limiting public protest or demonstration, permits a district official to issue an order for up to 6 months' detention, or a sizable fine, and was used in April 1989 to detain several students who took part in demonstrations. (See also Section 2.b.)

Persons detained for the expression of views critical of, or different from, the Government's may also be charged under the Treason Act. In addition, the Government sometimes charges persons under the Organizations and Associations (Control) Act of 1963, which provides for the prosecution of persons who violate the constitutional ban on political parties.

Persons are often detained without warrants and are permitted access to a lawyer of their choosing only after they are no longer technically in police custody, which can be up to 25 days in criminal cases. Those detained under the PSA are presented with documentation stating they are being held under the Act when they are imprisoned. For common crimes, the law provides that a suspect must be brought before a court within 24 hours, and must be informed of the general grounds for the arrest or be released. A 7-day extension may be granted for the completion of the police investigation. The law generally provides a person in detention with the right to a judicial determination of the legality of the detention, but this right is often disregarded.

There is a functioning system of bail, but bail levels were substantially increased in 1987, making bail too expensive for most Nepalese. Legal sources also report a growing tendency for judges not to set bail, and many accused persons are held throughout their trial period.

Official exile is not practiced in Nepal. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The law provides for the right to a public trial except in some security and customs cases, and the right is usually honored. Except for those held in preventive detention, the Constitution provides for the right to counsel and protection from double jeopardy and retroactive application of the law. However, these rights are not always respected.

Military and civilian courts are separate. Military courts generally deal only with military personnel, but civilians may also be tried in military courts for crimes involving the military. Lower court judges are appointed by the Government on the recommendation of the Judicial Service Commission. Higher court judges are appointed by the King on the recommendation of the Chief Justice of the Supreme Court. In cases of terrorism or treason, the Destructive Crimes Act and

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the State Offenses and Punishment Act provide for closed trials before specially constituted tribunals.

The judiciary is legally independent but is generally not assertive in challenging the King. Law enforcement officials frequently ignore even writs and orders issued by the Supreme Court, or reply that the person in question is not in their custody. There is no mechanism for courts to follow up on their writs and orders. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last appeal, but the King may grant pardons and set aside judgments.

In its August 1989 Report, Asia Watch (AW) states that the courts have been unable to play a significant role in the enforcement of individual rights in Nepal. AW claims this is due in part to the power of the King, interference by government officials in decisions of the courts, and the absence of job security for judges.

Estimates in 1989 of the number of political prisoners on the basis of statistics supplied by the Forum for Protection of Human Rights ranged from 150 to 200, a marginal decrease over the estimates of 1988.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the Government generally respects the privacy of the home and family, principles which are bolstered by Nepalese law and tradition, there are exceptions. Search warrants issued by Chief District Officers are required before search and seizure but not in cases involving suspected narcotics or security violations. The correspondence of some individuals, both Nepalese and foreign, is opened with little attempt at concealment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the Constitution, freedom of speech and of the press may not be exercised in support of a political party or "to the detriment of the common good, the monarch, or members of the royal family." In practice, this rule is widely interpreted to permit criticism of the Government but not of the monarch or of the royal family. In addition, provisions of The Press and Publications Act place limits on material which might undermine the interests or sovereignty of the nation; contravene principles which underlie the Constitution; or encourage, abet, or propagate party politics or party feelings. A well-known Nepalese political and human rights activist was arrested in May 1989 under the Treason Act after making speeches in India regarding the Nepal/India dispute over the conduct of their bilateral relations. He was released on the same day after paying a small fine.

The sole radio service and the only television station in Nepal are government controlled, and their programming reflects the views of the Government.

The two Nepalese dailies with the largest circulation are government organs. They carry some reports of opposition activities and criticism of the Government. A large number of Nepal's 400 publications (some of whose circulation is only in

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the hundreds of copies) are vigorous and candid in their criticism of the Government. However, comments deemed overly pro-Indian in the context of the India/Nepal dispute and allegations of serious corruption in the Government prompted restrictions on several publications in 1989. Fourteen journalists were reported arrested in 1989 for controversial reporting on the India/Nepal dispute. All but two have now been released. Legal bases cited for these arrests included the Press and Publications Act, the Treason Act, and the PSA. Most were released within 1 to several days of being arrested. In August two journalists were arrested in connection with the printing of a controversial interview with the leader of a political party in which the Nepalese "partyless" system was criticized.

Critics note that the Government uses its control of advertising and newsprint to inhibit press criticism. The Government did not close any newspapers in 1989, though officials are known to have raided and searched some newspaper offices. Foreign publications are seized or banned when deemed to carry articles unfavorable to the Government or to the monarchy. In 1989 the Government reportedly banned over 50 Indian publications. Nepalese officials withheld major Indian publications not included in the ban but containing objectionable articles on India/Nepal relations from expatriate subscribers. Circulation of banned or proscribed newspapers or articles can lead to arrest and imprisonment.

Academic freedom is limited. Professors at both of Nepal's universities are essentially civil servants and therefore have limited autonomy. The tenure system provides little protection from government intrusion. Self-censorship is practiced throughout the academic system. Academic freedom is further restricted by censorship of books and other domestic publications. In May the official press strongly criticized a prominent university professor for his authorship of articles in India which were regarded as challenging Nepalese policy toward India.

b. Freedom of Peaceful Assembly and Association

Regulations permit local authorities to prohibit meetings, speeches, and posters if they are found not to be "for the convenience or good of the general public." These regulations are frequently invoked. The law also forbids activities detrimental to the monarchy, relations among people, or national security. All political parties are considered illegal under the "partyless" panchayat (council) system, although in practice political party members are generally permitted to assemble privately and to express their views in the independent press.

Regulations governing political parties are interpreted differently by local authorities in different areas of the country, and the decision whether to permit a political meeting is usually made on an ad hoc basis. The Organizations and Associations (Control) Act requires that all organizations be registered with the Government and stipulates that members of applying organizations must receive a police report stating that they are not "antisystem." Approval of registration applications can take as long as several years and is often denied, but many groups meet without seeking approval, or even after approval is denied. Student groups, including those openly affiliated with the banned political parties, are allowed to contest campus elections.

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After the dispute with India began last March, the Government usually did not impede student meetings and demonstrations held to protest university closings and Indian policies toward Nepal. By contrast, assembly by groups critical of the Government is often disrupted. A total of 555 persons (mostly students) were arrested during demonstrations sponsored by the Democratic National Unity Forum in April and May to protest the Government's handling of Nepal/India relations. Most of those arrested, except for some leftist political activists, were released promptly. While the official Nepal Labor Organization observed May Day with functions in Kathmandu and elsewhere without any hindrances, the police arrested about 50 members of the Nepal Independent Workers' Organization (a "blue-collar" workers' rights group), most for "unauthorized activities;" 28 persons were detained. In July over 1,000 people, including 300 in Kathmandu, were arrested when they attempted to plant trees or donate blood on the anniversary of the death of a prominent opposition leader. In September more than 1,000 Nepali Congress Party workers were arrested during demonstrations also protesting government handling of the dispute. On both occasions, almost all were soon released.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides that "every person, having regard to the traditions, may profess and practice his own religion as handed down from the ancient times," and that "no persons shall be entitled to convert another person from one religion to another." The legal code provides a maximum penalty of 1 year in prison for any Hindu who converts to another religion and 3 to 6 years for any person who seeks to proselytize a Hindu. The State views the conversion of Hindus as a more serious crime than the conversion of non-Hindus because conversion from Hinduism is regarded as undermining the religious and ideological underpinnings of the State.

The great majority of Nepalese are Hindus, and Nepal is officially described as a Hindu state. There is a sizable minority of Buddhists, a smaller number of Muslims, and a small but growing number of Christians. Non-Hindus are allowed to practice their religion and maintain places of worship. Many foreign Christian clergymen reside and work in Nepal in various fields. Religious education is offered by non-Hindus, including Muslims and Christians. Religious publications are imported mainly from India and are widely circulated.

The Government takes seriously the prohibition of proselytization and conversion. According to the most recent figures obtained from Nepalese Christian leaders, in mid-1989 there were 26 Nepalese Christians serving prison sentences of 3 months to 7 years; 80 court cases involving over 200 Christians; and 24 Christians in custody awaiting trial. Virtually all of these cases involved charges of proselytization. Nepalese authorities arrested Christian pastor Charles Mendies in November after he was tried and acquitted of proselytizing but subsequently found guilty by the Supreme Court. He remained in prison in late December and was awaiting the outcome of an appeal to the King. There were other reports that on November 12 a Christian church service in Kathmandu Valley was broken up, the pastor assaulted, and some members of the congregation arrested. Another

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well-publicized case involved an American citizen, David McBride, and a Canadian citizen, Mervyn Budd, who were arrested in October 1988 on the charge of proselytization. They were tried and found not guilty by a court and released in February 1989.

Nepalese citizens, who lack an international intercessor and the advantage of wide international press attention, as in the McBride-Budd case, often receive less favorable treatment. For Indians and Nepalese arrested on charges of proselytization, the time in police custody prior to trial may be worse, according to some observers, than an actual jail term, owing to the brutal treatment the detainee often receives. Customs officials reportedly continued to impound Bibles being brought into Nepal by travelers or returning citizens. There were fewer attacks in the press on the spread of Christianity.

By contrast, Muslims and Buddhists experience few difficulties, and there are almost no cases of proselytization pending against these two groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within the country for Nepalese citizens. Foreigners (including Tibetans resident in Nepal) and journalists are restricted from traveling to several border areas. Nepalese abroad are free to return home. There are no known cases of revocation of citizenship for political reasons.

Travel outside of Nepal, generally not restricted for Nepalese citizens, is limited in the case of Tibetans who reside in Nepal to India only, with occasional exceptions. In June several Nepalese citizens were prevented from traveling to North Korea for the 13th World Youth and Student Festival. The Government objected to the North Korean Government arranging travel documents and sponsorship without the knowledge of the Government of Nepal. There are also reported instances of the Government sometimes delaying or otherwise making it more difficult for students to travel to Communist countries either at their own expense or through host government scholarships not administered by the Nepalese Government. Those going to countries on host government scholarships administered by the Government of Nepal have no difficulties.

Nepal has no stated refugee policy. In the past it has accepted and assimilated approximately 12,000 to 14,000 Tibetan refugees. However, border restrictions, tightened in 1988 by a joint Nepalese/Chinese agreement, continued to be stringent in 1989. Some Tibetans who attempted to cross the border into Nepal without appropriate documentation were turned back. The United Nations High Commissioner for Refugees opened an office in Kathmandu in October 1989. The Government is aiding its efforts by sharing lists of newly registered refugees and asylum-seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Nepalese citizens do not have the right to change their government. Political legitimacy flows from the King, who is revered as an incarnation of the Hindu god Vishnu and who

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dominates the political system. The Constitution is bestowed by the King, not adopted by the citizens of Nepal, and there is no mechanism by which they can legally change the political system. Many Nepalese accept the monarchy as the symbol of Nepalese nationalism and a force which binds together the disparate ethnic and linguistic communities of Nepal. At the same time, there is substantial support, especially among educated Nepalese, for broader participation in the political system.

Elections at various levels based on universal suffrage are held every 5 years. There are multiple candidates, but political parties are not permitted to take part. Within the National Panchayat there is lively debate on many issues, but not on the monarchy itself, which cannot be criticized in the legislature or in print. In the absence of recognized political parties, the palace effectively dominates the legislature. The continued ban on political parties makes it difficult for public opinion to be mobilized and represented outside the strict confines of the Panchayat system. However, the banned Nepali Congress Party and a variety of Communist groups actively criticize the Government on many issues and periodically attempt to mobilize public opinion.

Despite the fact that political parties are legally banned, the Government continues a low-key dialog with some of the more moderate party representatives. The King meets with party leaders on an irregular basis. He reportedly met in 1989 with Ganesh Man Singh, the leader of the banned Nepali Congress Party. However, in November Singh was taken into police custody, then released on bail, allegedly on the charge of defaming and undermining the King and members of the royal family and the country.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no governmental or nongovernmental investigations of human rights conditions in Nepal in 1989 outside the area of worker rights (see Section 6). There are several unregistered human rights organizations which address domestic human rights issues. These include the Nepal Human Rights Organization and Human Rights Protection Forum. In September the Government finally accepted the registration of a human rights group known as the Nepal Human Rights Organization (distinct from the unregistered group of the same name). While some human rights activists consider the new group to be "government-sponsored," its board of directors includes members who actively oppose the present "partyless" political system as well as those who accept it. While the Government has not granted official status to other human rights groups, neither has it acted forcibly against them.

The Government of Nepal is generally not responsive to outside criticism of its human rights practices but did write to AI in 1988 to assert that officials were bound to inform detainees held under the PSA of the grounds of detention and that detainees or their representatives could approach the courts to set aside any unlawful detention order. AI replied, expressing concern that the detention orders were unspecific and so broad that effective recourse to the courts was difficult; it asked that a judicial authority promptly examine the legality of detention in the broadest sense. AI said that

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by the end of the year it had received no further response to this and other AI concerns.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women in Nepal have the right to vote and to hold property in their own names. However, women do not enjoy their rights fully in many rural areas, where the weight of tradition, lack of education, and ignorance of the law remain severe impediments to the exercise of these rights. The female literacy rate in 1988 was 18 percent, far lower than the average literacy rate of 33 percent. Over the years, changes in marriage and inheritance laws have benefited women. Women are engaged chiefly in agriculture and, to a lesser extent, small trading.

Wife beating is said to be common though little is known about its extent. Abuse occurring within the family is seldom mentioned owing to the value attached to personal privacy in this traditional society. In general, there is virtually no public attention to or discussion of violence against women nor any government policies that focus on it as an issue.

The Nepal Women's Organization (one of the six "class" organizations set up by the Government) is charged with protecting women from exploitation and preventing violations of their rights. One of its major functions is to provide legal aid service to make women aware of their rights and the legal protection available to them. However, this organization is most active in Kathmandu--not in the villages where most women live. A growing number of women's lobbying groups are now taking up women's causes. The Government itself has adopted policies designed to encourage women's participation in family planning, adult education programs, and small-scale income-generating enterprises.

Still largely a traditional society, Nepal remains wedded to the caste system. However, public discrimination on the basis of caste, particularly the public shunning of "untouchables," has been outlawed and is officially discouraged. The spread of education and higher levels of prosperity, especially in the Kathmandu valley, are slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Politics and senior jobs in the government administration and army in Nepal continue to be dominated by higher and better educated castes (Brahmins, Chhetris, and certain elements of the Newar community), but the representation of other castes is slowly increasing.

Section 6 Worker Rights

a. Right of Association

Workers do not enjoy the right to form associations independent of the Government. The Nepal Labor Organization (NLO) was established by the Government in 1963 to represent workers' interests after trade unions were banned in 1960, although the NLO is officially portrayed as being independent. All factory, mill, and other wage earners, including those in the transportation sector, are eligible for membership in the NLO, but membership is not mandatory. The NLO claims a membership of 20,000, about 3 percent of the total work force. Government workers are not allowed to join the NLO. The NLO generally represents "blue-collar"

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laborers. The professions have associations which function like trade unions but are not recognized as such.

Under the provisions of the Nepal Factories and Factory Workers' Act of 1977, as amended, factory managers are directed to form committees representing both management and labor "to encourage friendly and amicable relations." The committees are supposed to meet once a month. The number of members of each committee are not to exceed 20, with equal participation by management and labor.

Nepalese workers theoretically enjoy the right to strike, but only if the strike is authorized by the government-sponsored NLO. According to the most recent data gathered by the NLO, a total of 5 strikes were held in 1989, including a prolonged strike at the government-owned tea factory.

Several formal complaints, including one by the American Federation of Labor and Congress of Industrial Organizations, alleging the denial of trade union rights have been filed in recent years. The International Confederation of Free Trade Unions (ICFTU) and the World Confederation of the Organizations of the Teaching Professions (WCOTP) brought a complaint before the International Labor Organization (ILO) regarding the Nepalese Government's refusal since 1980 to register the Nepal National Teachers Association (NNTA), as well as mass arrests, dismissals, transfers or other actions against demonstrating teachers. The Government responded formally in 1989, but the ILO stated that the reply lacked details and urged judicial inquiry into the alleged deaths of seven NNTA local officers, and reiterated its call for the right to a rapid trial and Nepalese government recognition of the NNTA.

Two teachers organizations--the Nepal National Secondary Teachers Association and the Nepal National Primary Teachers Association--were established and formally approved by the Government in 1988, which has averted efforts to form a teachers union. Though critics assailed the new organizations as government controlled, a majority of the members believe establishment of the new organizations has resulted in significant gains, including a pay raise of 29 to 30 percent in 1989, compared with a 25-percent increase for civil servants. According to the WCOTP, the NNTA continues to operate.

The NLO is not affiliated with any international trade union federation. The NLO, which was a member of the ICFTU in the mid-1970's and then withdrew, has held informal discussions with the ICFTU about rejoining.

b. The Right to Organize and Bargain Collectively

Workers do not, in practice, enjoy the right to organize and bargain collectively. Although there are limited provisions on collective bargaining and unfair labor practices in the Nepal Factories and Factory Workers' Act of 1977 (the Act), no collective bargaining agreements are known to have been made. Committees established by the Act have a mandate to settle differences, and a tribunal of arbitrators may be called to redress grievances. The Government states that the Nepalese system is based on "class coordination" rather than on a system of collective bargaining, reflecting the emphasis on class organizations such as the Nepal Labor Organization. There are no export processing zones in Nepal.

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c. Prohibition of Forced and Compulsory Labor

The Constitution stipulates that no one may be subject to compulsory labor, and neither forced nor compulsory labor is practiced in Nepal.

d. Minimum Age for Employment of Children

The Act sets the minimum employment age for children at 14 but, according to many observers, child labor is common in privately owned factories and in the service sector, where enforcement of the Act is weak. The agricultural sector, which falls outside the purview of the Act, employs 90 percent of Nepal's labor force, where children of poor farmers help support their families.

e. Acceptable Conditions of Work

The Act calls for the Government to set conditions of work with respect to minimum wage, a 48-hour workweek, and standards for occupational safety and health, but implementation is uneven and the Act is not rigorously enforced. The few large factories in Nepal, i.e., those with 100 or more workers, are considered to be in better compliance with these regulations than the more numerous small enterprises. Minimum wage rates, increased by 25 percent in 1988, are set for four categories of employment as follows: unskilled--approximately \$19 per month; semiskilled--\$21 per month; skilled--\$25 per month; highly skilled--\$32 per month (all figures in this section are calculated at September 1989 exchange rates). The Government reports that average national family income is \$43.26 per month, (rural - \$41.82 and urban - \$62.63). These wages all exceed the 1989 annual per capita income of \$150, but are considered sufficient only for the most minimal standard of living.

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The Sultanate of Oman is an absolute monarchy without popularly elected representative institutions or political parties. The reigning Sultan, Qaboos bin Said al Said, is the 14th ruler of the current dynasty. The 55-member State Consultative Council, formed in 1981, functions as an advisory body on economic and social questions. Members are appointed by the Sultan who has continued the house of al Said's long tradition of firm control over all important matters affecting the Omani State. At the same time, the Sultan has built on an earlier trend to bring notables of the tribal system of the interior into the national administration.

National security continues to be an area of major concern. Although an insurrection in the southern province of Dhofar, supported by the People's Democratic Republic of Yemen, was defeated in 1975, Oman has continued to devote considerable revenue to defense. Oman's strategic location on the south shore of the Strait of Hormuz exposed the country to the increased tension in the Persian Gulf area during the 1980's. The internal security services are large, efficient, and pervasive, but are not generally regarded as intrusive. Many key jobs in the Government, especially in the military and internal security services, are occupied by foreigners, including many British, although a policy of "Omanization" is causing the number of expatriates to decline.

Almost totally undeveloped when Sultan Qaboos came to power in 1970, Oman has used its modest oil revenues to foster impressive progress in the social, economic, and administrative spheres, achieving a significant improvement in living standards. Oman's economy remains heavily dependent on petroleum exports.

There were no important changes in the human rights situation in 1989. Human rights in Oman--particularly the freedoms of speech and association and the right to change the government--remained tightly restricted. Civil and political rights are not formally codified, but the integrity of the individual is usually respected, although there have been some reports of abuse of foreign workers (see Section 1.a.). The people have access to their Government at the local wali (governor) level; the walis and tribal leaders in turn have access to the Sultan, his advisers, and ministry officials to present the views of the people they represent.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known political or other extrajudicial killings in Oman.

b. Disappearance

No cases of disappearance were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture or other forms of cruel punishment are not systematically practiced by Omani authorities. However, there

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were unconfirmed reports in 1989 that one youth was hospitalized for several weeks after being interrogated by the police (his mistreatment was said to have stopped when senior police officials learned of it) and that one foreign worker died from injuries suffered while in custody shortly after his arrest. Capital punishment, amputations, and related penalties under Islamic law are no longer carried out. Prison conditions are harsh, with temperatures sometimes exceeding 120 degrees in cells without airconditioning, fans, or proper ventilation. In 1989 the Government began publishing in the daily press the names, photos, and jail sentences of those convicted. This practice is apparently intended to humiliate the criminals' families and thereby serve as a deterrent to prospective wrongdoers. There are reports that juveniles are sometimes held with hardened criminals, and the result is the brutalizing of the juveniles.

d. Arbitrary Arrest, Detention, or Exile

Although Omani law does not provide for habeas corpus or its equivalent, the period of detention before trial in criminal cases is usually short. Police notification to family is often slow. Incommunicado detention is not normally practiced, although some youths were reportedly held incommunicado for 3 months for interrogation during a state security trial. Under current Omani procedures, a person suspected of a crime may be held up to 15 days while a case is under investigation, although this may be extended to a maximum of 70 days if approved by the magistrate. Attorneys are not always permitted access to their clients. While in the past there have been abuses of the police power of arrest, the criminal code imposes penalties for unjustified arrest or detention. Citizens have several channels through which they can seek redress of any grievance against law enforcement authorities, and these channels appear to serve their purpose well, particularly in rural areas. There are several cases currently pending before the courts involving citizens suing police officers for unjustified arrest.

All Omanis who were in exile under the previous Sultan were given the opportunity to return, as many thousands did after 1970. The grace period for those in self-imposed exile who wished to return to Oman formally ended on December 31, 1986, although amnesty has subsequently been granted to at least one additional returnee.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Oman's first criminal code was enacted in 1974. This code does not explicitly state the rights of the accused during the criminal process, nor does it have rules for admission of evidence during trials or codified procedures for entering cases into the criminal system. A draft revised criminal code modeled on the French system has been circulating for comment within the Government since 1988.

Judicial practice in Oman conforms, for the most part, to the prescriptions under Islamic law for a fair trial before experienced and impartial judges. However, there is no right under law to a jury, counsel, or public trial, and attorneys are not provided for those who cannot afford them. If a case proceeds to trial, it is heard before a judge alone.

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Generally, all questioning is conducted by the judge, and there is no examination or cross-examination by the prosecution, defense, or the accused. Either side may request the judge to ask particular questions of a witness, however, and some judges do permit direct questioning of witnesses. At the discretion of the judge, the accused may call witnesses. Decisions in serious criminal cases heard by the magistrate court are generally pronounced promptly, and sentencing is immediate. Verdicts are final, although there may be informal appeals to the state advisor for penal affairs and ultimately to the Sultan in cases involving serious offenses. The Sultan must approve death penalty verdicts. The various judicial systems are subordinate to the Sultan, but they operate independently in the majority of cases. The judicial system suffers from a lack of trained personnel.

Although Islamic law is administered throughout the country by Islamic judges (qadis) in Shari'a courts, the jurisdiction of the Shari'a court is limited to civil cases, including commercial, as well as minor criminal cases. Similarly, recently reconstituted "barzah" or people's courts--presided over by walis, judges, and staff--handle personal and minor commercial disputes but not criminal cases. In these cases, there is a right of appeal to the Minister of Justice and ultimately to the Sultan. There is also a security court system that handles internal national security cases. This rarely used court consists of a three-judge panel whose verdict is final. The accused has a right to counsel, but there is no appeal of the verdict except to the Sultan. The last known trial before the security court was the case in late 1988 involving 16 Shi'a charged with plotting to overthrow the Government. Of these, two were released, two were sentenced to life imprisonment, and the remainder received sentences ranging from 5 to 15 years in prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is a widespread fear of government eavesdropping, and Omanis are guarded in their speech and written communication. Warrants are not required to search private residences, offices, or vehicles, and such searches, as well as the monitoring of telephones and private correspondence, are confined to cases where the Government perceives a security threat or criminal activity.

Although there is no government policy to discourage the use of other languages in speech or print or in religious instruction in the home, the Government has increasingly insisted that correspondence with it, and public and legal documents, be in Arabic. A 1986 law banned, with a few exceptions, marriage between Omanis and foreigners. The move was explained as an effort to stem the erosion of Omani culture. Those already married to foreigners had to register within a specified period or risk forfeiting their citizenship and that of their offspring.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no provisions in law which protect freedom of speech or freedom of the press. Criticism of the Sultan in any form or medium is prohibited by law. Criticism of individual officials, agencies, and their programs is tolerated but is

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not given media coverage. The Government controls all radio and television broadcasting. Government control of all printed matter, including newspapers and magazines, is specified in the press and publication law, issued in May 1984. The law imposes strict controls on, and a mechanism for, prior censorship of all information in printed form in both domestic and imported publications. The Government owns two of the three daily newspapers, one in Arabic and one in English. Subsidies to the remaining daily and several privately owned weekly and biweekly publications provide an effective incentive to self-censorship, although there have been arrests and closure for offensive articles. Thus, editorials and news coverage invariably reflect the Government's views.

Publications and video and audio cassettes arriving in Oman from foreign countries are censored for politically or sexually offensive material and are occasionally banned. The censor's attention generally focuses on articles that directly attack or embarrass the Government. In the last 3 years, three expatriate reporters have been deported for articles written about Oman.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is not guaranteed by law. Associations of any kind must register with the Government, and those which oppose the political system of the Sultanate are prohibited.

For a discussion of freedom of association as it applies to labor unions, see section 6.a.

c. Freedom of Religion

Oman is an Islamic state. Non-Muslims in Oman are prohibited from proselytizing, and conversion to Islam is encouraged and publicized. Virtually all Omani citizens adhere to one or another sect of Islam, the exception being the small Hindu community made up of Omani citizens of Indian origin. Ibadhi Muslims form the dominant group of Muslims in Oman and include the ruling family. However, there may be as many or more Sunni Muslims in the country, and members of both the Sunni and small Shi'a communities are found in all walks of life in both the public and private sectors. Non-Muslim foreigners, both Christian and Hindu, are allowed to worship at designated locations on land donated by the Government. Although there is no indigenous Jewish community, Jews are not barred from living and working in Oman. Religion is not a factor in gaining entry into Oman.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of a few military areas, there are no restrictions on travel by Omanis within their country. The Government's development of transportation has greatly increased the ability to move within the country to heretofore inaccessible areas. Omanis living abroad before 1970 have returned to Oman in large numbers with official encouragement and without legal obstacles. Several thousand ethnic Omani refugees from East Africa, particularly from Zanzibar, have been resettled successfully. Many Omanis who had sought refuge in the People's Democratic Republic of Yemen during the insurgency in Dhofar (1965-1975) have returned to Oman with official encouragement. Non-Omani refugees are not permitted

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to remain in Oman. Those few that reach Oman are generally returned to their homelands unless they can be quickly resettled in a third country. Omanis may travel abroad freely, although a woman must have authorization from her husband or father to obtain a passport. Many Omanis work abroad, particularly in the United Arab Emirates, where an estimated 35,000 Omanis are currently employed. Many of these people travel home to Oman on weekends.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Oman has no formal democratic institutions, and its citizens do not, therefore, have the ability to change peacefully their leaders or the political system. Oman is a monarchy in which the Sultan retains the final word on all government decisions. Succession to the monarchy is determined through a consensus of the ruling family and leading public figures. There are no political parties, legal opposition groups, elections, nor a constitution. Citizens have indirect access to senior officials through the traditional practice of submitting to local leaders petitions for the redress of grievances. Successful redress depends on the effectiveness of personal contact and the quality of the persons chosen as intermediaries. Outside of Muscat, the Government still reflects the tribal nature of Omani society. Traditional elites dominate the tribal and town councils, which settle intratribal disputes. Final authority, however, is with the walis, who are appointed by the Sultan. In an effort to broaden participation in the Government, the Sultan formed the State Consultative Council in 1981. It consists of 55 members drawn from the Government, the business community, and the outlying districts. It includes members of every significant ethnic, geographic, and religious group. The Council's role remains advisory, however, and is confined to the social and economic spheres.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government of Oman declined to receive a proposed Amnesty International mission in 1972 during the insurgency in Dhofar. Since then, there have been no known requests by international human rights organizations to visit Oman. There are no independent organizations to monitor human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although Oman's government and society are conservative, it has been relatively moderate in its attitude toward Islamic precepts on the status of women. Women have shared in the benefits of the social and economic growth of recent years. Schooling for girls is available to the same extent as for boys in urban areas, but less so in rural areas. For cultural reasons, the level of education that girls attain is still below that of boys. By and large, however, the occupational areas most available to women are limited to the fields of teaching, secretarial work, and nursing.

Violence against women is not believed to be widespread. Little is known about the extent to which abuse occurs within the family owing to the respect attached to personal privacy

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in this traditional society. There is no public discussion of the subject.

The gains achieved by a small minority of women are largely irrelevant to the great majority, both in the towns and in the rural areas, who live their lives within the confines of the house and the local marketplace. The previous lack of adult education facilities means that all but the youngest females in rural areas are illiterate. This general lack of education, combined with communal and tribal customs which dictate a subsidiary role for women, makes it difficult for most adult women to participate fully in the modern sector. The recent expansion of educational facilities for girls (including university training) will allow for some equalization of the position of women in the future, but communal and tribal customs will continue to work against full participation by women for the foreseeable future.

While there are no formal government restrictions against Omanis of east African origin, many of them believe they face de facto discrimination in employment opportunities.

Section 6 Worker Rights

a. The Right of Association

Labor unions are illegal in Oman, and, as specified in Oman's labor law, "it is absolutely forbidden to provoke a strike for any reasons." Oman is not a member of the International Labor Organization (ILO).

b. The Right to Organize and Bargain Collectively

There are no provisions for collective bargaining for wages and working conditions in Oman. Wages are set by employers within the guidelines set down by the Government. The labor law provides procedures for pursuing a "collective grievance" and encourages conciliation of disputes through the formation of joint consultative bodies of labor and management under Department of Labor auspices. Employers are forbidden by law from making a distinction between workers who are parties to labor dispute hearings and those who are not. Labor reconciliation hearings are not open to the press or public.

Oman's labor law, promulgated in 1973, is a comprehensive document defining conditions of employment for both Omanis and foreign workers, who constitute 50 percent of the work force. Work rules must be approved by the Department of Labor and posted conspicuously. Under Oman's labor court system, any employee (Omani or expatriate) may file a grievance. The employer pays all costs incurred in the filing of the grievance, regardless of the verdict. The employee cannot be reprimanded or punished for filing a grievance. The labor law is reported to be fairly enforced, and the labor courts generally give workers the benefit of the doubt in grievance hearings. A 1989 draft of a revised labor code awaits action by the Sultan. There are no export processing zones in Oman.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and not practiced.

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d. Minimum Age for Employment of Children

Employment of children under the age of 18 is prohibited, except with the permission of a guardian and the wali. Oman law regulates the employment of juveniles, defined as those between the ages of 13 and 18, prohibiting evening and nighttime work, work in a strenuous occupation, and overtime and holiday work. Education is not compulsory, but the Government encourages school attendance.

e. Acceptable Conditions of Work

The labor law states that the Government can determine the minimum wage and make adjustments according to economic circumstances. Minimum wage guidelines do not cover domestic servants, farmers, government employees, or workers in small businesses. In November 1989, minimum monthly salary for Omani graduates of secondary and vocational schools employed in the private sector was fixed at \$390 per month, with an additional \$130 housing and transportation allowance. Nongraduate Omanis receive a minimum of \$208 per month, with \$52 housing/transport allowance. However, the minimum wage is not an issue for most Omanis and mid- to upper-level expatriates, since most are paid wages well above that level. The statutory minimum wage for foreign workers is \$150 per month (plus benefits), but it is not enforced and employers frequently pay less. Expatriate manual laborers and clerks generally earn between \$100 and \$125 per month, plus lodging, which is enough both to maintain an adequate standard of living and to send a portion of their income back home. Omanis working in the private sector are issued labor cards bearing the name of the employee, his company, and his work. The workweek is 40 to 45 hours in the private sector (less for Muslims during Ramadan). Every worker has the right to 15 days of annual leave during the first 3 years of employment and 30 days per year thereafter. Expatriate maids and menial laborers are not protected by the labor law, and some are required to work long hours under substandard working conditions by some employers. Expatriate workers' passports are commonly held by the employer, who is legally responsible for their actions, until they leave Oman.

Oman's labor law and a subsequent 1976 proclamation "governing compensation for occupational injuries and illnesses" cover in detail issues of occupational safety and access to medical treatment. Employees covered by the labor law can recover compensation for industrial injury or illness through medical insurance provided by the employer. Oman has occupational health and safety standard codes which are scrupulously enforced by inspectors who make frequent on-site inspections. Such codes and inspections are required under Chapter Seven of the labor law. The laws on child labor and conditions of work are, for the most part, effectively and uniformly enforced by inspectors throughout the country.

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The political landscape in Pakistan changed drastically in 1988 with the death of President Zia and the orderly transition to representative government under Prime Minister Benazir Bhutto, whose Pakistan Peoples Party (PPP) won a plurality in the 1988 National Assembly elections, considered by many observers the fairest and most orderly in the nation's history. Pakistan's efforts to develop democratic institutions have been hampered by differing interpretations of constitutional authority and responsibility, both within the Federal Government and between the federal and provincial governments, as well as by intense competition between the government party and a strong opposition alliance. During 1989 the crucial constitutional question under debate on the federal level involved a disagreement over the powers of the President and Prime Minister, caused in part by the previous government's changes in the Constitution. The military has continued to speak out in support of Pakistan's emerging democracy.

The relationship between the Federal Government and the provincial governments of Punjab and Balochistan, whose provincial assemblies are controlled by opposition parties, adds a further complication. Political acrimony has brought to a virtual halt progress on implementing needed social welfare and economic reform programs in these provinces. It has also encouraged ethnic tensions and weakened both law and order and orderly administration, with a negative impact on the human rights situation.

Responsibility for internal security rests primarily with the police, although the army is called upon on occasion to restore order during civil disturbances. Paramilitary forces also operate in frontier areas and help maintain law and order. Police forces are under provincial control.

The public sector share in Pakistani industry has diminished in recent years, and by 1988 private sector investment accounted for 83 percent of total investment in the manufacturing sector. In December 1988, Pakistan adopted a 3-year structural adjustment program with the International Monetary Fund (IMF) which may help Pakistan reduce its deficit and commit more resources for social development programs, although it also imposes rigorous austerity measures, such as price rises for electricity and gas.

The Bhutto Government has made progress in some aspects of human rights, although problem areas remain. The review of martial law cases and the release of political prisoners has been largely completed. Most travel restrictions have been lifted, and Pakistanis no longer need government permission to travel abroad. The appointment of a substantial number of former human rights activists to high-level government positions has invigorated debate and focused attention on some human rights issues and human rights groups report they have greater access to officials and to the media than before.

In other areas, however, human rights abuses continued. Kidnapings and random violence continued in the southern province of Sindh and the tribal areas in the northwest. Government forces at times violated individual rights and used excessive force in efforts to combat banditry and reestablish law and order. There were repeated incidents of ethnic violence, especially in Karachi and Hyderabad. Widespread

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police abuse of prisoners and the failure of authorities to bring to trial and punish personnel who commit such abuses remained a significant problem. Arbitrary arrest and detention of prisoners were also issues of concern. Religious minorities such as Ahmadis, Christians, and Hindus still faced discrimination and were the objects of harassment, and both social and legal constraints continued to place women in a subordinate position in society. Significant restraints also remained on worker rights.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

There was no evidence of government or government-instigated political killings, but extrajudicial killings, usually from physical abuse of prisoners and detainees by police, continued largely unchecked and unpunished (see Section 1.c.).

Ethnic clashes have continued to result in one form of political killing. Violence between rival ethnic political parties and organizations, especially in Sindh province, was a growing concern as frequent outbreaks of violence between Sindhi, Mohajir, Punjabi, and Pakhtun groups left scores dead. Armed clashes between the student wings of rival political and ethnic groups led to deaths on several occasions. Because of the random and often spontaneous nature of these incidents, and the political connections of many of the perpetrators, authorities have had little success in preventing this type of violence, and the perpetrators have largely gone unpunished.

b. Disappearance

There were no reports of government-instigated disappearances. Kidnapings by highwaymen of prominent persons occur regularly in rural Sindh, usually for ransom. Incidents of kidnaping for ransom have also occurred in urban Sindh, and recently increased in the city of Karachi. Most of the victims were eventually released unharmed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Police beatings and torture of arrestees are common; in its 1989 Report, covering 1988, Amnesty International (AI) noted that at least 19 prisoners were reported to have died in custody as a result of torture. Beating, whipping the soles of the feet with rubber whips, sexual assault, and prolonged isolation are said to be common occurrences in Pakistani jails. When deaths have occurred, allegations of suicide are used by police to cover up evidence of torture. There have been persistent and credible allegations in the press and from other observers that some ethnic and political parties have tortured political opponents, and, in some cases, used torture to enforce party discipline among their own members. The groups alleged to have used torture have publicly denied such allegations, and have claimed that the charges are politically motivated.

The Government (whether Federal or provincial) rarely holds police accountable for abuses. Police and jailers use "third

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degree" methods to obtain information and confessions and frequently employ the threat of abuse to extort money from prisoners and their families. In August a young man in Lahore died in detention, allegedly after being tortured by police. The press has also reported several instances of the deaths of prisoners under police detention in Karachi. A recent survey alleged that 43 percent of the women imprisoned in the Multan jail reported being sexually abused by prison authorities. The federal Ministry of Interior in 1989 established an office to monitor instances of arbitrary arrest, brutality, and extortion within the police forces; by year's end, the office had been established, and, according to the Ministry of Interior, had accepted and begun to investigate dozens of cases.

The Hadood Ordinances, promulgated in 1979, apply to Muslims and non-Muslims alike but appear to weigh most heavily on women and carry harsh punishment for actions deemed contrary to Islamic law. Extended imprisonment is the most common punishment. Two-thirds of the 99 women held in Karachi central jail in August 1989 were imprisoned under these ordinances. Some 60 poor women, many with minor children, were held in Lahore's Kot Lakhpat prison for alleged violation of the Ordinances. In June the Sindh high court stayed the executions by stoning of six people convicted under the Ordinances. The federal Shari'a (Islamic) Court accepted an appeal by two teachers convicted of adultery and sentenced to death by stoning. No punishments involving stoning, flogging, or amputation have been carried out under the Ordinances, but these laws remain in effect. Frequently, under the Ordinances, women who complain of rape find themselves arrested on charges of adultery.

Among the three classes of prison facilities that exist, Class "C" cells, which generally hold common criminals, suspected terrorists, and low-level political workers, are the worst. They usually have dirt floors, no furnishings, and poor quality food, and the use of handcuffs and fetters is common. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Conditions in "B" and "A" cells are markedly better, with the latter reserved for "prominent" persons. Although increased attention is being focused on improving the worst jail conditions, there has been little real progress.

d. Arbitrary Arrest, Detention, or Exile

Pakistani law permits detention of persons suspected of threatening public order and safety for 30 days under court order. Such court orders are renewable for 30 days at a time, up to a total of 90 days, if the Government can demonstrate that the detainee does in fact threaten public safety. According to the law, detainees must be informed expeditiously of the reason for their detention. Most detainees are released fairly quickly, but only after the situation which prompted the preventive detention has passed. In September the Government promulgated an ordinance which denies bail to those arrested for terrorist activities if sufficient grounds exist to believe the accused is guilty of the crime.

Former detainees claim that prisoners under preventive detention frequently are held incommunicado. In July federal authorities detained former provincial chief minister and opposition figure Fazle Haq without charge. His continued detention has led to charges of official harassment of

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political opponents. At the same time, Punjab authorities arrested a pro-PPP activist for allegedly having delivered an inflammatory speech in January. He has been released on bail. The federal and particularly the Punjab authorities have harassed their political opponents by filing criminal charges of dubious credibility against them, obliging them to seek bail.

There have been repeated allegations of arbitrary arrests during attempts to quell communal violence. The majority of persons detained in such operations are released in a matter of hours or 1 or 2 days.

With regard to forced or compulsory labor, see Section 6.C.

e. Denial of Fair Public Trial

The civil judicial system, modeled after the British system, provides for an open trial, cross-examination, representation by an attorney, and appeal of sentences. The court will appoint an attorney for indigents in capital cases.

The pace of justice is slow due to the limited number of judges, the heavy backlog of cases, and outdated court procedures. The political impasse between the Federal and Punjab Governments has blocked appointment of judges in that province to succeed those who have retired or died. Over a quarter of the seats on the Lahore High Court are vacant, while scores of positions in the lower magistracy remain unfilled. These vacancies inevitably further delay the judicial process. Karachi human rights activists believe there are dozens of people awaiting prosecution in Sindh jails who have been held for periods longer than the sentence they would receive if convicted. Prison authorities allowed greater access to legal counsel to see prisoners and clients during 1989.

The special Shari'a (Islamic) courts operate in a manner similar to ordinary civilian courts. They try offenses relating to the enforcement of the Hadood Ordinances and also rule on whether laws are offensive to Islam. Cases referred to the Shari'a courts are heard jointly by Islamic scholars and judges from the civilian court system who usually employ ordinary criminal procedures. Both judges and attorneys must be Muslim and be familiar with Islamic law, although non-Muslims have been brought before the Shari'a courts. Defendants in the Shari'a courts are entitled to bail and lawyers of their choice.

Before martial law was lifted in 1985, the Parliament passed the Eighth Amendment to the Constitution which withdrew from the civilian judiciary the right to review the actions of martial law authorities and courts. Under the Eighth Amendment, only those sentenced to death by martial law courts may petition to have their cases reviewed by the President; all others must appeal to a provincial governor. In 1988 the Supreme Court allowed limited categories of people convicted under martial law courts to apply for review of their cases. Estimates of martial law prisoners still in detention vary from 15 to 200. Currently, martial law prisoners or their representatives have two avenues for review. The first avenue is to apply to have their cases considered by a special office in the President's Secretariat. The second avenue is to have their original cases reviewed by the ordinary civilian courts. The constitutionality of the procedures under which

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the Eighth Amendment was passed is currently being adjudicated before the Sindh and Balochistan High Courts.

In 1987 the Government established special courts to provide speedy trials in cases involving "offenses sensational in character or shocking to public morality, creating panic, or an atmosphere of fear and anxiety among the public." Cases involving bomb blasts, sabotage, highway robberies, banditry, or kidnaping can be expedited through these courts, and the Government may transfer cases from any other court to a special court.

Critics, including many lawyers, have expressed several concerns about the special courts. First, the accused is hampered from preparing an adequate defense and calling witnesses because of the short time allocated before the trial (usually a matter of a few days). Second, they believe that the judges in these courts are predisposed to find defendants guilty, given the high political profile of the proceedings. Third, the decision to refer a case to this system is an arbitrary one, made by the senior levels of the provincial government. The criteria for deciding which cases can be tried under these courts is broad enough to enable provincial authorities to abuse the system. Government officials argue that the courts are necessary to circumvent the judicial backlog; that all requirements of the rules of evidence still apply, including the right to counsel; and that the judges must meet the same standard as those appointed to a high court. They note that decisions may be appealed to the Supreme Court.

In September the Lahore High Court ruled that the speedy trial courts were illegal and closed them in Punjab province on the grounds that the original 1987 act had expired in early 1989 and that the provincial government had failed to extend it. Speedy trial courts continue to exist and operate in the Sindh.

Appeals of the 1986 death sentences against four Ahmadi defendants, whose convictions in 1985 by martial law courts in two separate murder cases raised serious human rights questions, are still pending. The death sentences themselves, however, have been commuted to life imprisonment as a result of the amnesty measures taken by the Bhutto Government in December 1988.

In December 1988 and January 1989, the new Government announced a major prisoner release program for martial law and political prisoners. Although thousands benefited from the program, some groups criticized the Government's review procedures which allegedly freed a number of hardened criminals but left members of opposition parties and members of minority religious groups behind bars. Estimates vary on the number of political prisoners who remain in custody.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decisions about occupation, education, place of residence, and family size are made without official interference. Although police are required by law to obtain a warrant before entering a private home, authorities frequently ignore such legal requirements. During bandit sweeps and riots, police often chase suspects into homes without pausing to ensure the presence of a magistrate as required by law. There have been repeated allegations of incidents involving the use of

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excessive force in Sindh during attempts to quell ethnic violence. There are frequent charges that women throughout the country have been harassed and raped and their belongings stolen by individual officers. Although press and public attention to such incidents has increased, the Government has been slow to respond to or investigate such charges and to deal with problems of police indiscipline. Extortion and robbery by policemen are believed to be common.

Pakistan maintains several domestic intelligence services which monitor political activists, suspected terrorists, and suspected foreign intelligence agents. Informed sources maintain that wiretapping is used against opposition politicians and that their mail is occasionally intercepted and opened, and they are frequently under surveillance. Civil and military officials are instructed to report their contacts with foreign diplomats.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Persistent ethnic divisions in the province of Sindh have led to incidents of communal violence in which persons belonging to one ethnic group have been killed in indiscriminate attacks by rival groups. There have been repeated allegations, which are difficult to verify, that law enforcement agencies have caused the deaths of innocent persons while attempting to bring communal violence under control or while standing by and refusing to intervene.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government owns and operates the radio and television stations and strictly controls the news they carry. A government-owned press trust controls four of the larger newspapers. The Government has yet to act on its campaign promise to disband the press trust, but has announced the establishment of separate management boards to run each of its publications. In addition, one of the two wire services is under the control of the Ministry of Information. Other newspapers are privately owned and their circulation far exceeds that of the government-owned papers.

The government newspapers and wire services are circumspect in their coverage of the news. Early in the year, there was an increase in coverage of the opposition in the official media, but that trend has fallen off in recent months, and the government-controlled media have again been restricting and distorting opposition news. Laws against bringing Islam or the armed forces into discredit or ridicule remain in force; reporters and editors exercise self-censorship in these areas. Continuing a trend begun in 1985, there is relatively free discussion of government policies and criticism of the Government, especially in the privately owned newspapers. Besides more or less unfettered reporting of statements made by legislators, the private press routinely reports remarks critical of the Government made by opposition politicians. The Government has suspended advertisements, an important source of revenue, in Markaz and in the Observer, newspapers often critical of the PPP. The Observer's editor was charged in July with violating the Official Secrets Act (a law left over from the British colonial era) in his book on Pakistan's nuclear program. Although the Government has denied that the

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arrest was related to the newspaper's policies, most papers carried editorials condemning the action as giving the appearance of restricting freedom of the press. Members of the Council of Pakistan Newspaper Editors believe the action was a result of the Observer's constant criticism of government policies. Although government officials are no longer calling editors to demand the inclusion or exclusion of particular stories, they are still giving editors "advice" on certain stories, which is generally followed.

The Government was also criticized in August for advising the press that any reporting on cabinet meetings other than the official report provided by the Government would be evaluated in the light of the Official Secrets Act. At the same time, the Prime Minister reminded the media of Article 6 of the 1973 Constitution which provides for the death penalty for those who damage the Constitution by any act, including publication of statements against the spirit of the Constitution. This apparently has stopped the publication of statements against the Constitution.

The actions of some political and religious pressure groups pose another danger to press freedom in Pakistan. In early 1989, the office of the daily Markaz was burned, allegedly by political party workers. Also, a political party in Sindh called a 1-day boycott of the largest circulation daily newspaper in Karachi. During the boycott, people were forcibly prevented from purchasing the paper, and its journalists and editors were threatened.

A restrictive Press and Publication ordinance, promulgated in 1963, was repealed in September 1988. Although the ordinance had not been used in the past few years, it was widely viewed by the press as being arbitrary and giving the Government sweeping powers over the press. It was replaced by a Printing Press and Publications ordinance which requires the registration of printing presses and newspapers and which also allows the Government to confiscate newspapers or magazines deemed objectionable. In a departure from past practice, the new law allows newspapers to appeal to the civil courts and allows individuals to start issuing new publications without approval if the Government fails to act on their application within 4 months.

The National Assembly enacted a new press act in 1989 which allows journalists access to all federal and provincial government files, except "highly sensitive defense files." Under this act publication permits are still required but can be obtained at the local level.

Academic freedom is generally recognized by government and university authorities, but almost all institutions of higher learning are state run, and authorities have extensive powers to restrict the actions of individuals and groups regarded as troublesome. Another threat to academic freedom is the atmosphere of violence and intolerance among student organizations, frequently with connections to the major political parties. At many universities, well-armed groups of students of varying political persuasions clash frequently and are successful in intimidating other students, instructors, and administrators on matters of language, syllabus, examination policies, doctrine, and dress.

Student unions were legalized again in early 1989 by Prime Minister Bhutto and held elections in the Punjab in the

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spring; student groups in other provinces are planning elections.

Literary and creative works remain generally free of censorship, but authors and publishers tend to avoid controversial and political themes. Obscene literature, a category which is broadly interpreted by the Government, is subject to seizure. Authorities have frequently banned or confiscated books and magazines dealing with sensitive political topics. The Government in 1988 banned "The Satanic Verses" by Salman Rushdie, a book which raised the ire of Muslims worldwide. In August the Government arrested, and later released, the author of a book on the development of Pakistan's nuclear program, and the book has been banned in two provinces. In speeches throughout the country, senior officials reiterated the Government's intention to prosecute anyone violating the Official Secrets Act. Dramas and documentaries on once taboo subjects, such as narcotics and female inequality, are now shown frequently on Pakistani television.

b. Freedom of Peaceful Assembly and Association

The Government continued to respect the right of peaceful assembly in most cases, although district magistrates exercised their power to ban meetings of more than four people whenever violent demonstrations seemed in the offing. Political leaders of all persuasions were usually able to travel freely and address large rallies, often emphasizing antigovernment themes. In February a demonstration in Islamabad against "The Satanic Verses," sponsored by a coalition of religious parties, turned violent. Seven people were killed and the American Center was attacked. The opposition coalition of parties, Islami Jamhuri Ittihad (IJI), held large rallies in Islamabad and Peshawar in August. Despite these examples, regulations preventing demonstrations are regularly invoked in Sindh Province during times of ethnic tension. The Sindh National Alliance was prohibited from holding a rally at the Provincial Assembly and the Mohajir Qaumi Movement (MQM) was prevented from demonstrating at the Chief Minister's house. To forestall potential violence between religious groups, the authorities prevented clergymen from traveling to certain areas during the religious month of Muharram. Afghan refugees were prevented from attending a large memorial service held in Islamabad on the anniversary of President Zia's death.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Pakistan is an Islamic republic with a population that is 97 percent Muslim. Its 1973 Constitution requires all law to be consistent with Islamic ideology. Under the Constitution, the President and Prime Minister must be Muslims. However, designated minority religious groups--for example, Ahmadis, Christians, and Parsis--have held high office and are represented in the economic, political, and social life of the country. The PPP Government has appointed several Ahmadis to high government posts. These minorities are not permitted to vote in Muslim constituencies, but rather must seek office and cast their ballots in at-large constituencies reserved for them in the national and provincial assemblies, an arrangement widely criticized by minority and human rights groups.

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(Ahmadis, disputing their minority status and their designation as non-Muslims, have refused to exercise these electoral options.) Although by law Hadood Ordinances are applicable only to Muslims, minorities, especially Christians and Hindus, complain that the Hadood Ordinances are also applied to non-Muslims, making family matters, such as divorce, more difficult.

Generally, minorities can practice their own religion openly, maintain links with their coreligionists in other countries, and travel for religious purposes. Foreign clergy may enter the country to serve congregations. Conversions are permitted, but the Government prohibits proselytizing among Muslims and has refused to renew the residence permits of some foreign missionaries who have ignored this ban. In November nine Ahmadi doctors were arrested and charged with proselytizing while providing health care services.

The Ahmadi sect, which considers itself Muslim despite theological divergences from mainstream Islam, has historically been the object of popular prejudice and discrimination. Anti-Ahmadi riots in 1953 helped spark the imposition of Pakistan's first period of martial law. Following another outbreak of violence, in 1974 Prime Minister Zulfikar Ali Bhutto, with the support of all political parties, sponsored a constitutional amendment declaring the Ahmadis a non-Muslim minority. In 1984 the Government issued an ordinance which restricts the practice of the Ahmadi religion and bans the Ahmadis from using Muslim terminology or proselytizing. Violators are subject to prosecution. In 1986 Parliament passed legislation, apparently aimed at Ahmadis, making blaspheming the Prophet Muhammad a capital offense.

Many members of the Ahmadi sect were detained for displaying the Kalima, the Islamic profession of faith, and other Koranic verses. Most were released, but several were tried, convicted, and received prison sentences. Police removed the profession of faith from Ahmadi places of worship, which cannot be called mosques under Pakistani law. Several places of worship have been closed down. In March the Government forbade public celebration of the Ahmadis' 100th anniversary. Ahmadis charge that fundamentalist Muslim leaders have been effective in keeping Ahmadis in a position of second-class citizens. In April, during anti-Ahmadi riots in Nankana Sahib in Punjab, 15 Ahmadis were injured, and 50 houses and 3 places of worship were burned. In July Ahmadi-Orthodox tension turned violent in Chak Sikander in Punjab, leaving 4 dead, including 3 Ahmadis, and dozens of homes destroyed. Police occupied the village to maintain order, and some Ahmadis have been prevented from returning to their residences since the initial incident. A Pakistani human rights group investigated both incidents and concluded that local authorities failed to protect Ahmadi citizens and that the Punjab provincial government failed to investigate or take action against those authorities. To date, there still have been no official inquiries into the incidents. The Ahmadis were prohibited from holding their centenary celebration in April in Punjab Province, and there are credible reports of discrimination which limits the promotion possibilities for Ahmadis in the military and civil service. There have been reports of the forced conversion of female members of the Ahmadi sect. The major Ahmadi newspaper, banned for 3 years, resumed publication in March. In December the entire population of Rabwah, the Ahmadis' headquarters city, was charged in a complaint lodged with police with having violated Ordinance 20.

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This law establishes as criminal certain acts of the Muslim faith when performed by Ahmadis, including the declaration of faith. By the end of the year, 16 prominent Ahmadis had been arrested and incarcerated on such charges.

Christians have had difficulty in getting permission to build new churches, although the Government reached a compromise in August with a congregation in Islamabad whose church construction had been halted for several years. Members of the Christian community complain that there are barriers to Christians rising to high positions in public service, public corporations, universities, and the military. Many Christians fill low-level jobs, such as in sanitation work and in similar municipal services. Some Christians work as bonded laborers in the brick kiln industry.

Hindus complain of continued kidnappings and forced conversions of young women, confiscation of Hindu shrines and temples, disruption of prayer services, and the burning of Hindu texts, as well as the torture of detained Hindus. In June a Hindu doctor was killed in Larkana, and four Hindus were murdered in rural Sindh while worshipping at a Hindu temple. No arrest has been made in the case of the killing of the doctor. One person was arrested and detained for 1 month before being released on bail in the case of the temple murders. At year's end the case had not yet come to trial.

Some observers believe the Government's reticence in looking into incidents involving discrimination against minorities is a reflection of its fear of offending fundamentalist Muslims who wield substantial influence over their coreligionists.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Pakistanis generally have freedom of movement within the country. Previous governments banned individual political leaders from traveling to certain provinces for a specified time through use of an "externment" notice. The only externment notice issued in 1989 by a provincial government prevented some Shi'a and Sunni clergy from entering certain areas during the Islamic holy month of Muharram; it was quickly rescinded.

Pakistanis are generally free to travel abroad. Travel to Israel, which is not recognized by the Pakistan Government, is legally prohibited, but Pakistanis nevertheless succeed in traveling to Jerusalem for religious reasons. There are various restrictions on travel to the Soviet Union, India, South Africa, Taiwan, and Eastern Europe.

All government employees are required to have "no-objection" certificates before traveling abroad. Students are also required to have "no-objection" certificates from their institutions. The Government announced that the exit control list, previously used to control foreign travel more broadly, now contains only the names of serious criminals, such as drug traffickers. However, the list remains a tool available to the Government to limit foreign travel.

Over 3 million Afghans have fled to Pakistan as a result of the Soviet invasion of Afghanistan and the current civil war. The Government administers and supports some 340 Afghan refugee camps at significant cost. The movement and employment of Afghans in Pakistan has generally not been

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restricted, and many Afghans reside outside the refugee camps. With the signing of the Geneva accords in April 1988 and the Soviet troop withdrawal in February 1989, the Government and U.N. agencies have begun preparing for the refugees' return. The Government, however, has maintained its policy of not pressing refugees to go home before conditions in Afghanistan are secure.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The elections in November 1988 resulted in neither the PPP nor the Islamic Democratic Alliance attaining an absolute majority of seats in the National Assembly. President Ghulam Ishaq Khan on December 1, 1988 asked PPP leader Benazir Bhutto, as leader of the party most likely to receive a vote of confidence, to form a government. Under the Constitution of 1985, the President continues to hold the power, in consultation with the Prime Minister, to dismiss the Parliament and to act as Commander in Chief.

All Pakistanis aged 21 and over have the right to vote by secret ballot in elections. Local governments and the provincial and national assemblies are directly elected. The Senate, however, is elected by the four provincial assemblies. The President is also indirectly elected by an electoral college consisting of the national and provincial assemblies and the Senate.

According to the Constitution, the national and provincial assemblies serve terms of no more than 5 years, unless earlier dissolved. The President is to be elected every 5 years, while senators are elected for 6-year terms. Local by-elections were held for provincial and National Assembly seats in several constituencies throughout 1989. Although there were credible reports of vote-rigging in some areas, most observers report the elections proceeded without major interference.

Political parties have been allowed to operate since the lifting of martial law in 1985-1986. In 1988 the Supreme Court struck down a law banning unregistered political parties from participating in elections and upheld the use of symbols by political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights organizations operate free of official harassment and their reports receive extensive coverage in the press. Pakistan has allowed visits by persons affiliated with various human rights organizations. In 1989 an AI delegation met with government officials, including the President and Prime Minister. In 1989 several new human rights and legal aid groups were formed and operated without government restriction.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

With a female Prime Minister as head of government, increased attention has been given to the rights and status of women. A strong lobby of Islamic leaders, however, refuses to accept a woman leader and continues to stress a conservative

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interpretation of Islamic injunctions to justify discrimination against women. It is accepted practice to assign women a subordinate role in terms of civil, political, and individual rights.

Many Pakistanis interpret the Koran's injunctions on modesty to mean that women should remain either at home or behind the veil. In rural areas, although women of small farmer families generally work alongside men in the fields, their status remains subordinate to men, and they suffer discrimination in education, employment, and legal rights. Women are often discouraged from voting in elections by family, religious, or social custom in the rural and more conservative parts of Pakistan. In some of these areas, women are discouraged from voting by authorities who do not provide separate voting facilities for women who observe purdah restrictions; these women are unwilling to unveil themselves to male poll officials who seek to confirm their identity. Despite clear injunctions in the Koran and the civil laws that guarantee the right of women to inherit, in practice, for a number of reasons, women generally do not receive their due share in family inheritance.

These attitudes have contributed to a very low adult female literacy rate, estimated, for example, to be only 4 percent among rural women. The primary school enrollment ratio in 1983 was only 33 percent for girls as compared to 64 percent for boys, although the figure for each is rising.

A small number of urban women study and teach in the universities, but postgraduate employment opportunities remain largely limited to teaching, medical services, and the law, with a small number of women entering the commercial and public sectors. Women may now participate in international athletic competition, a change which took place only in 1989.

In February the National Assembly allowed the 1988 Shari'a Ordinance, which set up committees to ensure Islamization in education and the economy, to lapse, but a new Shari'a bill was introduced in the Senate. In July the federal Shari'a Court upheld the distinction under the Haddood Ordinances between evidence presented in court by a man and that presented by a woman. The court ruled that only men can testify as witnesses in certain cases; in other cases only women's evidence is acceptable. In certain cases the testimony of two women is required to equal that of one man.

There has been an upsurge in press reporting and public concern about the unresponsiveness or involvement of police in continuing incidents of abuse of women and rape. There has also been a disturbing increase in the number of reports of newly wed wives being burned to death in kitchen accidents. Many of these deaths are believed to be murders perpetrated by husbands dissatisfied with the size of their wives' dowries. Many women are also mutilated or killed by male relatives who suspect them of adultery. Few such cases are seriously investigated, and, owing to the value attached to privacy in this conservative society, the great majority of cases involving abuse within the family are never reported. There are no official statistics on the subject.

The courts have begun to address some of the more extreme violations of women's rights. In July the Lahore High Court, acknowledging offenses committed against women by provincial police, ordered registration of cases against police

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responsible for abusing a 10-year-old girl in a local police station. The case has been registered but has not yet come to trial. The court also established procedures to protect the rights of female suspects who are in police custody.

While several members of minorities are prominent in public life, reports of discrimination against minority groups in employment and education appear well founded. In the early years of Pakistan's history, minorities were able to rise to the senior ranks of the military and civil service. Today, most complain they are unable to rise above midlevel ranks. The perception of discrimination on ethnic and linguistic grounds is fundamental to the repeated ethnic conflicts in several areas over recent years and most notably in the province of Sindh during 1989. These were but the latest in a long series of conflicts between Sindhis and Mohajirs (Urdu-speaking immigrants from India). Non-Punjabis also resent what they see as domination of the bureaucracy, the police, and armed forces by the majority Punjabis. Officially designated as "non-Muslims," Ahmadis are subject to discrimination and occasional harassment and have limited chances for advancement in the public sector. Young Ahmadis and their parents complain of increasing difficulty in gaining admittance to good colleges. This problem is not unique to Ahmadis, but their resentment is strengthened by their conviction that they too are Muslims.

An aggravating element in all cases of discrimination is the continuing social stratification; socially prominent Pakistanis suffer less at the hands of officials than those less well-off, partly because of their ability to reciprocate favors, and partly because of the general deference still accorded social "betters" in Pakistani society. Although the original caste distinctions common to South Asian societies have no legally binding force, clan affiliations and ethnic identities, which in some ways parallel the old caste system, still help or hinder those seeking education, employment, justice, public services, and public office. Among most minorities, there is a conviction that the authorities, even if they do not persecute them, afford them less protection under the law than Muslim citizens.

Section 6 Worker Rights

a. The Right of Association

The right of industrial workers to form trade unions is protected by the Industrial Relations Ordinance but is subject to major restrictions in some employment areas. In practice, labor laws place significant constraints on the formation of unions and their ability to function effectively. In her first public statements after being named Prime Minister, Benazir Bhutto promised to remove all general bans on labor activity. However, little progress has been made in fulfilling this commitment.

The right of unions to strike in Pakistan is severely constrained by legally required conciliation proceedings and cooling-off periods, and especially by the Government's authority to ban any strike found to cause "serious hardship to the community" or prejudice to the national interest, or in any case after it has continued unresolved for 30 days. Strikes are rare; when they do occur, they are usually illegal and short. There are also periodic work slowdowns on the part of low-ranking government employees. There has been an

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upsurge in the number of small-scale strikes on the part of doctors, nurses, and police inspectors. Police crackdowns on worker demonstrations are fairly common.

Strikes are banned by law in export promotion zones (EPZ), although this has had little impact, since EPZ development has been largely on paper to date.

At present, union members make up only about 6 percent of the industrial labor force and 3 percent of the total estimated work force. Trade unions of all political orientations are permitted, and the political leanings of labor leaders cover the entire spectrum from far left to right.

While most unions remain aloof from party politics, several have associated themselves with political parties. Since the PPP came to power in 1988, it has made a concerted effort through its labor wing, the People's Labor Bureau, to organize trade unions under its banner.

There are no official constraints on Pakistani labor federations' affiliations with international labor organizations, notably the International Confederation of Free Trade Unions and its Communist-controlled rival, the World Federation of Trade Unions.

Pakistan has been criticized for years by International Labor Organization (ILO) committees for its failure to abide by Convention 87 regarding freedom of association and Convention 98 on the Right to Organize and Collective Bargaining, both of which it has ratified. The charges, repeatedly raised by Pakistani trade unions, have focused on the limitations on union formation, strikes, and collective bargaining. No Pakistani government has yet made any serious movement towards changing any of the laws criticized in the ILO reports.

These issues were again reviewed by the ILO's Committee of Experts (COE) in 1989, along with the question of excessive government supervision of trade union funds and the question of worker rights in the export promotion zones. See also Section 6.c.

b. The Right to Organize and Bargain Collectively

Free formation of workers' associations and free election of representatives to act as collective bargaining agents are provided for by law. Current laws, however, place major limitations on the extent and effectiveness of such activities. Large sections of the labor force are excluded from the right to organize and bargain collectively under the Industrial Relations Ordinance. Union activity is prohibited for the 53 percent of Pakistan's labor force employed in agriculture. Under the Essential Services (Maintenance) Act of 1952 (ESA), normal union activities are severely restricted in sectors associated with "the administration of the State," covering a wide range of government services (e.g., education, medical) and state enterprises (e.g., oil and gas production, transport).

For each industry declared subject to the ESA (a finding which must be renewed every 6 months), a specific determination is made by the Government as to what constitutes the limits of union activity. In cases where collective bargaining has been barred, individual wage boards are established to decide wage levels. Disputes are adjudicated before the National

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Industrial Relations Commission. A worker's right to quit can also be curtailed under this Act, and a fired worker has no recourse to the labor courts. However, collective bargaining and even strikes are known in some job areas covered by the act (e.g., the nationalized banks). The abolition of the ESA is a major demand of most unions.

The ILO's COE has advised the Government that a 1980 ordinance permitting it to exempt the export processing zones from the provisions of any law is inconsistent with the requirements of ILO Conventions 87 and 98. Export processing zones are not yet functioning, and it is difficult to judge how labor laws will be applied there.

c. Prohibition of Forced or Compulsory Labor

Forced labor is specifically prohibited by Pakistani law. There is no evidence that any form of slavery or bonded labor has received official sanction. However, critics argue that the ESA's limitation on some employees' right to leave their jobs constitutes a form of compulsory labor.

Cases of illegal bonded labor appear to be widespread, with a number of specific cases and the discovery of several forced labor camps reported in 1989. The worst cases tend to come to light only through sensational treatment in the press. Bonded labor is said to be particularly common in the brick, carpet, glass, and fishing industries and extends to agricultural and construction work in rural areas.

In the brick kiln industry, however, a workers' association in 1988 succeeded in bringing the plight of bonded brickmakers in the Punjab before the Supreme Court. In March 1989, the court issued a compromise ruling which reinforced prohibitions on forced labor and forcible collection of debts and limited pay advances to 1 week's wages, while upholding the legality of existing debts. The ruling was the first important gain for bonded workers and laid the groundwork for challenges to bonded labor in other industries. Resistance to the ruling is likely to be strong, however, and reports of violations continue to appear. Moreover, due to the lack of alternatives, many workers have returned to bonded labor.

In response to the publicity surrounding this case, the Government announced its intention to introduce a bill in the current session of the National Assembly to abolish bonded labor with a proposed penalty of 3 years in jail or a \$750 fine for offenders. Critics charge that the proposed legislation will be ineffective due to the inadequate penalties and the inability of authorities to enforce the law in the rural areas, where such practices are prevalent.

While it is not clear that the provision of the ESA limiting the rights of some employees to leave their jobs has been invoked, this and other questionable Pakistani legislation have been under the scrutiny of the ILO's COE for a number of years. A government representative informed the ILO's Committee on the Application of Conventions and Recommendations (CACR) in June 1989 that various provisions of Pakistani legislation deemed inconsistent with the requirements of ILO Conventions 29 and 105 on forced labor (both of which have been ratified by Pakistan) have been, or will be, amended. The representative denied the existence of illegal bonded labor in Pakistan. The CACR welcomed the progress being made with respect to legislation, but requested

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more information and expressed "great concern" regarding the Security of Pakistan Act, which permits courts of law to impose sentences of prison labor for the expression of political views.

d. Minimum Age for Employment of Children

Child labor is limited by at least four separate statutes and Article 11 of the Constitution. These laws present a confusing picture, variously limiting employment in certain fields to those over 14 or 15, and, in one case, permitting factory work by children under 14 (in apparent contradiction of the Constitution) if a government doctor issues a certificate of fitness. None of these regulations is effectively enforced.

Despite legal limitations, child labor is common in Pakistan. While much of it is in the traditional framework of family farming or small business, the abusive employment of children in larger industries and government businesses is widespread. Although there are no reliable official statistics, unofficial surveys and occasional press features suggest that violations of existing laws are common. Unofficial estimates indicate that one-third of Pakistan's total labor force is made up of workers under age 18. The employment of children is occasionally linked with stories of bonded or forced labor and child prostitution.

e. Acceptable Conditions of Work

Labor regulations in Pakistan are governed by federal statutes applicable throughout the country. These provide for, or require the provincial governments to provide for, a legal minimum wage as well as certain worker protection and welfare services. The minimum wage, which for an unskilled worker is roughly \$25 per month, is not enough to support even a small family. The law provides for a maximum workweek of 54 hours and paid annual holiday and rest periods during the workday. These regulations apply, however, only to a small minority of the labor force; they specifically do not apply to agricultural workers (roughly one-half of Pakistan's work force), to workers in Pakistan's numerous small factories with fewer than 10 employees, and to the small contract groups of under 10 workers into which factory work forces are increasingly divided.

The enforcement of labor regulations is left to the provincial governments, all of which are largely ineffective in this area. The attention given to enforcement varies among the provinces in proportion to the significance of industrial labor. In all cases, limited resources, corruption, and inadequate regulatory structures hamper the effort.

In general, worker health and safety standards are poor and little is being done to improve them. Organized labor is occasionally able to press for improvements in this area, and some legal protections apply, although they are weakly enforced.

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A small Arab Gulf state ruled by an Amir from the Al-Thani family, Qatar is governed by a 1970 basic law which institutionalizes the customs and social mores of Qatar's conservative Wahhabi Muslim heritage. These include respect for the sanctity of private property, freedom from arbitrary arrest and imprisonment, and protection against transgressions of Islamic law (the Shari'a). The Amir holds absolute power, but he is careful in exercising his authority. While he may, for example, suspend any secular law or countermand any civil court decision, he is unlikely to do so without first consulting his Council of Ministers, the advisory council of notables, and most importantly, obtaining a consensus from within the ruling Al-Thani family.

The Government continues to be concerned by the presence in Qatar of a large number of expatriate workers. In response to perceived threats to civil order, the Government has established an efficient security apparatus to control subversion. The civilian security apparatus is controlled by the Interior Ministry and operates on two levels, the police and the Criminal Investigation Department (CID). The CID is charged with investigation of all crimes, while the local police enforce laws and arrest violators. A second, more powerful branch of the Interior Ministry, the Mubahathat, deals with sedition and espionage. The Mubahathat is nearly independent of the regular civil security forces and has been alleged to use severe force during its investigations. It can incarcerate suspects without charge, but reportedly does this infrequently. The armed forces have no significant role in assuring internal security, although the army could be used against serious civil disturbances. However, the armed forces have under their jurisdiction another enforcement organization, known as Mukhabarat, whose function is to intercept and arrest incoming terrorists and to keep surveillance over political dissidents.

Qatar's economy is mixed, with the State owning and operating most basic industries and services while retail trade and the construction industry remain in private hands. The economy is beginning to recover slowly from the fall in the price of oil, and was able to expand slightly again in 1989. The rapid development of Qatar's infrastructure in the 1970's and early 1980's led to the creation of a ratio of expatriates (mostly Indian, Pakistani, and Sri Lankan) to nationals of 4 to 1. Limiting the influence and controlling the activities of the expatriate population are major Qatari national goals, and the economic downturn of the mid-to-late 80's has spurred a government program to reduce the expatriate-to-national ratio by offering employment in many government industries to Qatari citizens only. However, this refers only to skilled workers. Because the Qatari national population is so small, Qatar will be dependent on expatriate labor for the foreseeable future.

There were no reports of arbitrary arrest or similar abuses in 1989, but human rights remained significantly restricted, with little change from previous years. Principal human rights problems include abuse of detainees, arbitrary detentions in security cases, and restrictions on freedom of speech and press, assembly and association, the right of citizens to change their government, and worker rights. Expatriate workers also continued to complain of systematic discrimination against them; Qatari resentment against expatriates makes them more likely than nationals to be the victims of arbitrary police action or harassment, and they are

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denied the right to bring suit against a Qatari national in the Shari'a court.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no known instances of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government of Qatar follows the conservative teachings of Wahhabi Islam, which forbids torture. Instances of torture in connection with security force actions involving political and security-related cases, however, have been reported in the past, although details are sketchy. The Government administers most of the corporal punishments prescribed by Shari'a law but does not allow physical mutilation. Many expatriates complain of mistreatment after their arrest by Qatari authorities.

d. Arbitrary Arrest, Detention, or Exile

The authorities generally charge suspects before a competent court within 48 hours. In most cases involving expatriates, the police promptly notify the appropriate consular representative. However, suspects detained in security cases are generally not afforded their rights. There were no known security cases in 1989. Involuntary exile is very rare; the last known case occurred over 10 years ago. Expatriates convicted of crimes are usually deported after they have completed their sentences, which sometimes includes the administering of lashes. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is nominally independent, but most judges are expatriates holding residence permits granted by the civil authorities and thus hold their positions at the Government's pleasure.

Qatar's legal system has an unusual balance, tilted in favor of Qataris and the Government of Qatar. There are two types of courts: the civil courts, which have jurisdiction in civil and commercial matters, and the Shari'a court, which has jurisdiction in family and criminal cases. There are no permanent security courts; security cases are tried by military courts established specifically for a given case. Technically, the Shari'a court may also assume jurisdiction in commercial or civil cases if requested to do so by one of the litigants. In practice, the Shari'a court only assumes discretionary jurisdiction if a Muslim litigant makes the request. It does not allow non-Muslims to bring a suit as plaintiffs. This anomaly prevents non-Muslim residents from obtaining full legal recourse when being sued by or trying to sue a Qatari national. There are no statutes preventing

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individuals from suing the Government of Qatar, but the threat or fear of losing a residence permit discourages such suits. There have been at least three cases in which a person was injured as a result of medical malpractice at the government-owned hospital, but no suits were filed.

Many expatriates find proceedings in the Shari'a court bewildering. Only the disputing parties, their relatives and associates, and witnesses are allowed in the courtroom. Lawyers may not play any formal role, except to prepare litigants for their cases. Although non-Arabic speakers are provided with translators, foreigners report being at a considerable disadvantage, especially in cases involving the nonperformance of contracts. Shari'a trials are normally brief. After both parties have stated their cases and examined witnesses, the judge is likely to deliver a verdict with only a short delay. Criminal cases are normally tried 2 to 3 months after suspects are detained.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Traditional attitudes of respect for the sanctity of the home provide a great deal of protection against arbitrary intrusions for most citizens. The police must normally obtain a warrant before searching a residence or business, except in cases involving national security or emergencies. There were no reports of illegal searches of homes in 1989. The police and security forces routinely monitor the communications of suspected criminals and security risks. Mail and periodicals thought to contain pornography, politically sensitive material, or criticism of Islam are also opened and routinely censored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although both expatriates and Qataris may express political opinions in private, public criticism of the ruling family and its policies is not tolerated. The Government strongly discourages attacks on other Arab governments as well. This applies to the electronic media, which are government owned and operated, as well as to the press. Journalists, particularly the expatriates, generally avoid challenging these restrictions because of the risk of having residence permits cancelled.

The authorities routinely screen all video cassettes, audio tapes, books, and periodicals for objectionable political sentiments and pornography.

b. Freedom of Peaceful Assembly and Association

The Government allows private social, sports, trade, professional, and cultural societies to operate. The activities of these organizations, which must register with the Government, are closely watched. The Government does not allow political demonstrations, nor are political parties allowed. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

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c. Freedom of Religion

Qatar's state religion is Islam, the Koran is its basic constitution, and Shari'a law is its legal code. Members of other religions are prohibited from public worship, and they may not proselytize. Apostasy from Islam is a capital offense, although no one is known to have been executed for it. The Government tolerates non-Muslim religions, and non-Muslim parents may raise their children in their own faiths. Private gatherings of non-Muslims for religious purposes are tacitly allowed but are closely monitored for potential political implications.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel, except around sensitive Qatari military and oil installations. In general, women, both Qataris and foreigners, do not require permission from a male guardian to travel either within the country or abroad. However, Qatari men can prevent their female relatives from leaving the country by placing their names with immigration officers at the ports of departure. Technically, Qatari women employed by the Government must obtain official permission to travel abroad when requesting leave; it is not known to what extent this regulation is enforced. Similarly, expatriate women sponsored directly by an employer (rather than their husbands) must obtain permission to leave the country. All Qatari citizens have the right to return. Foreigners are subject to immigration restrictions designed to control the size of the local labor pool. Foreigners who work in Qatar must have a sponsor to enter Qatar and the sponsor's permission to leave.

The Government has no formal policy on refugees. Those attempting to enter illegally, including defectors from nearby countries, are refused entry. Refugees who can obtain local sponsorship or employment will be allowed to enter. However, if they lose their jobs, they are expected to leave or face deportation. The Government continues to enforce its policy of discouraging Qatari males from marrying foreigners by refusing to issue residency permits to foreign wives. In such cases, the wife must reside in another country, where she is visited by her Qatari husband.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Qatar has no formal democratic institutions, and citizens do not, therefore, have the right or ability peacefully to change their government or the political system. Qatar's political institutions blend the characteristics of a traditional Bedouin tribal state and a modern bureaucracy. There are no political parties, elections, or organized opposition to the Government. The Amir exercises all executive and legislative powers. His rule, however, is tempered somewhat by local custom. Interlocking family networks and the recognized right of citizens to submit appeals or petitions personally to the Amir provide informal avenues for redress of many grievances and also serve to limit abuses. The custom of rule by consensus leads to extensive consultations among the Amir, leading merchant families, religious leaders, and other notables on important policies.

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Under Qatar's Basic Law of 1970, the Amir must be chosen from and by the adult males of the Al-Thani family. The current Amir, Khalifa bin Hamad, has designated his son, Hamad bin Khalifa, as the heir apparent. This designation was made with the consent of the notables and religious leaders in accordance with local custom. Effective power remains in the hands of the Amir, his family, and local notables.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international or nongovernmental organization monitoring human rights abuses has asked to investigate conditions in Qatar. No local organizations that concern themselves with human rights are permitted to exist.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government discriminates against expatriates and persons of non-Qatari origin even though they may be citizens of Qatar. In the past, Qatar naturalized a number of persons of Iranian origin. After the fall of the Shah and the rise of Shi'ite fundamentalism in Iran, the Government began to withdraw Qatari citizenship from many such persons. There have been reports of Qataris of Iranian descent being expatriated, fired from their government jobs, and deported without the benefit of due process.

Violence against women, primarily expatriate domestic workers, occurs in Qatar but is not believed to be a common problem. In keeping with Islamic law, all forms of physical abuse are illegal, and the maximum penalty for rape is the death sentence. The police actively investigate all reports of violence against women. Few cases come to the attention of the authorities, however, since most victims do not press charges for fear of being repatriated. The law is applied unevenly, with Qataris--particularly members of the ruling family--facing less severe punishments than do expatriates charged with rape or physical abuse.

The activities of Qatari women are governed by strict Wahhabi customs and quasi-legal restrictions, such as a prohibition against the issuance of driver's licenses to women unless they have permission from a male guardian and can demonstrate a need to drive based on employment or other acceptable reasons. However, these restrictions generally do not apply to non-Qatari women. Qatari women are largely relegated to the roles of mother and homemaker, but some women are now finding jobs in education, medicine, and the news media, and more Qatari women are receiving government scholarships to pursue degrees in these fields at universities overseas.

It is common practice to discriminate against the employment of non-Muslims, particularly in sensitive areas such as security and education. There also are reports that those who hold to fundamentalist tenets have an advantage in employment and hiring practices.

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Section 6 Worker Rights

a. The Right of Association

The right of association is strictly limited, and workers are prohibited from forming labor unions. Persons are allowed to establish organizations based on their professional or private interests. Membership in international professional organizations critical of the Government of Qatar or any other Arab government is not permitted. The Government would severely restrict operations of any organized group which it deemed detrimental to the national interest.

Workers have the right to strike after their case has been presented to the Labor Conciliation Board and a decision has been made. Strikes are rare. There were at least two organized work stoppages over unpaid wages in 1988, but none were reported in 1989.

Qatar has been a member of the International Labor Organization (ILO) since 1972, but has ratified neither ILO Convention 87 on Freedom of Association nor Convention 98 on the Right to Organize and Collective Bargaining. The government-designated worker delegate to the 1989 ILO Conference was listed as being the head of the workers' committee of the Qatar General Petroleum Corporation.

b. The Right to Organize and Bargain Collectively

Workers in Qatar are prohibited from engaging in collective bargaining. All disputes between workers and employers are handled in the local labor courts. There are no export processing zones in Qatar.

c. Prohibition of Forced or Compulsory Labor

There have been no reported instances of forced or compulsory labor, which are prohibited by law.

d. Minimum Age for Employment of Children

The minimum working age is 18 years, but expatriate children sometimes work at younger ages in small family-owned businesses and shops. Although the laws governing the minimum age for employment of children are not strictly enforced, child labor, either Qatari or expatriate, is rare in Qatar.

e. Acceptable Conditions of Work

Qatar has enacted regulations concerning worker safety and health, but enforcement is lax, at best. There is no minimum wage in Qatar. The 48-hour workweek is prescribed by law. Employess who work more than 48 hours a week (or 36 hours a week during the Muslim month of Ramadan) are entitled to overtime. The law is enforced in government offices and major private sector companies, but not in regard to domestic or personal employees. However, the workweek is usually less than 48 hours. Domestic servants frequently work 7 days a week, 12 hours a day, with few or no holidays, and have no way to redress grievances against their employer.

Expatriate workers in Qatar must be sponsored by a recognized organization or person legally responsible for them during their residence in Qatar. Technically, any worker can seek legal relief. Unskilled workers, including domestic servants,

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who constitute the group most likely to experience onerous working conditions, generally accept their situation rather than risk repatriation.

SAUDI ARABIA

Saudi Arabia is a monarchy ruled by the descendants of its founder, King Abd Al-Aziz (known in the West as "Ibn Saud"), who unified the country in the early part of the 20th century. The concept of separation of religion and state is foreign to Saudi society, and the legitimacy of the regime rests to a large degree on its perceived adherence to the defense of a conservative form of Islam. The legal system is based on the Shari'a, the codified Islamic religious law. There is no written national constitution. Most Saudis share a respect for this legal system, which they believe to be divinely inspired, as well as for ancient customs which call for consensus in government, internal social cohesion, and private economic enterprise. Since the death of King Abd Al-Aziz, the King and Crown Prince have been chosen from among his sons, who themselves have preponderant influence in the choice. Senior religious scholars and other princes also have a voice. There are no elected assemblies or political parties. All forms of political expression (except those favorable to the regime) are forbidden.

Saudi Arabia's security rests with three entities: the Ministry of Defense and Aviation, which controls the Army, Air Force, and Navy; the National Guard, which is responsible for guarding vital internal installations and providing additional land forces in case of war; and the Ministry of Interior, which is responsible for internal security (including police) and border forces.

During the past 40 years, massive oil revenues have transformed Saudi Arabia's centuries-old pastoral, agricultural, and commercial economy. This transformation has been marked by rapid urbanization, large-scale infrastructural development, the emergence of a technocratic middle class, and the importation of millions of foreign workers to do menial and high-skill jobs. It has also been marked by widespread expenditure of public funds in ways which have enriched the royal family and their associates. With some important exceptions, the economy remains largely in private hands.

No major new developments affected human rights in 1989.³ As in previous years, there were continuing reports of mistreatment of prisoners and incommunicado detention. Civil liberties--particularly the freedoms of speech and press, peaceful assembly and association, religion, and the right of citizens to change their government--were still significantly restricted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political killings, but there was one reported death by torture of a person in official custody (see Section 1.c.).

b. Disappearance

There were no known disappearances.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Under the Saudi interpretation of Islamic law, punishment for some crimes may include amputation, administered under anesthetic, or execution by beheading, firing squad, or stoning (with the convicted person in a drugged state). In the absence of two witnesses (four witnesses in the case of adultery), confessions before a judge are usually required for conviction. There were unconfirmed reports in 1989 that the police beat some detainees to elicit confessions. One prisoner is known to have been forced to stand for long periods of time with his hands above his head as a means of inducing him to confess. In an August 10 press release, Amnesty International (AI) alleged that Zahara' Habib Mansur al Nasser died in July while in police custody, reportedly as a result of torture.

In accordance with its interpretation of Islamic law, Saudi Arabia imposes capital punishment for a wide variety of crimes. Beheading is the usual method of execution, and all executions in 1989 were by this method. In some cases in 1989, beheading was followed by public crucifixion. Death by firing squad or stoning may be imposed for adultery. There were reliable reports of public nonjudicial stonings for adultery during 1989. In the first 10 months of 1989, at least 13 recidivist thieves had their hands severed, including 11 non-Saudis.

For less severe crimes, such as drunkenness or publicly flouting Islamic precepts, flogging with a cane is often imposed. Flogging is intended to degrade rather than cripple the criminal and to serve as a deterrent to others. The skin is not broken, and the flogging, though it is painful and leaves welts, is administered with a bent elbow. One of the Kuwaitis sentenced to prison for the bombings in Mecca in 1989 will receive a total of 1,500 lashes in 30 installments over his 20-year sentence. Two Americans were flogged for alcohol-related offenses in 1989.

In its 1989 Report, covering 1988, AI noted that it had received new information about the torture and ill-treatment of detainees in previous years. Among the practices described were "falaqa" (beating on the soles of the feet) with the ankles secured by rope to a raised pole; partial submersion in water; sleep deprivation; and extended solitary confinement. It said reports from detainees indicated torture is commonly practiced at the General Directorate of Investigations (GDI) prison in Damman.

Members of the Committee for the Propagation of Virtue and Prevention of Vice (the "religious police," commonly called Mutawwi'in), enforce laws concerning prayer time closings and appropriate dress in public. They have the legal right to detain suspects for up to 24 hours before turning them over to the regular authorities. Mutawwi'in have flogged detainees while seeking to elicit a confession and often use switch-like sticks in harassing those who violate the law. Some incidents of harassment were attributable to self-appointed vigilantes who function outside the Mutawwi'in hierarchy. Expatriates were often the targets of harassment. In several instances involving Americans, the U.S. Government protested to the Saudi Government. The Government has occasionally disciplined overzealous Mutawwi'in, and in a year-end speech the King

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cautioned the religious police to carry out their duties in a civil fashion.

d. Arbitrary Arrest, Detention, or Exile

Saudi security forces are divided into several branches, including the regular police and the special investigative police. Since criminal procedure is generally determined at the discretion of the arresting officer, arbitrary arrest occurs. There is no automatic, prompt procedure for contacting a detainee's family or employer; however, in cases involving foreigners, Saudi authorities acknowledge that they have the obligation to do so. When asked, the police will almost always confirm an arrest. Embassies usually hear about arrests of their nationals informally within a few days. Although in the past consular officials were usually given prompt access to prisoners, a new policy requiring Foreign Ministry approval has caused delays in consular visits. Official notification almost always takes several months, if it is given at all.

Problems may arise when persons are arrested by the GDI, the security service commonly called the "Mubahith" or investigative police. GDI prisoners are regularly held incommunicado during the initial phase of an investigation, which may last weeks or months. Following the bombings in Mecca in July 1989, a number of suspects were arrested and held for weeks without official charges while their cases were being investigated.

Saudi law makes no provision for bail or habeas corpus; prisoners are sometimes released on the recognizance of a patron or employer. Prisoners may be held for long periods while investigations proceed before being charged or released. Regulations issued by the Interior Ministry in 1983 to eliminate lengthy pretrial detentions or detentions without charges are frequently not enforced. However, under normal circumstances most arrestees are held no longer than approximately 3 days before being formally charged.

In a July 1989 newsletter, AI expressed concern over the detention since April 1988 of over 40 Shi'a activists in prison in Riyadh.

The Government does not formally use exile as a form of punishment. However, in the past, dissident members of the royal family have been barred from reentering the country. Denial of exit visas is a more common punishment.

AI charged in a report issued in January 1990 that there is evidence of a "clear pattern of suspected political opponents being arrested without warrant and held for long periods without trial." The detainees cited in the report are members or suspected members of several Shi'ite fundamentalist groups banned in Saudi Arabia. The report alleges that detainees are routinely tortured or otherwise abused in the first days or weeks of detention and are denied access to counsel and family. AI states that the Saudi Government has not responded to its contention that at least 66 individuals are being held without charge or trial. AI has specifically cited the case of Shi'ite scholar Sayyid Tahir Al Shimimy, saying there are fears that he has been tortured during his detention since June 1989.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The judicial system is founded upon the Shari'a. Regular Shari'a Courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance of real or personal property. Trials are generally closed and are normally held without counsel, though the advice of lawyers is available before trial. In a Saudi court the defendant appears before a judge who determines guilt or innocence and, if warranted, imposes the appropriate punishment. Counsel is not permitted in the court itself, but lawyers may act as interpreters for those unfamiliar with Arabic. With rare exceptions, there is no consular access to the trials of foreign nationals. Sentencing is not uniform and may be changed at any of the stages of review. Appeals against judges' decisions are automatically reviewed by the Justice Ministry or, in more serious cases, by the Court of Cassation and the Supreme Judicial Council, to ensure that court procedure was correct and that the judge applied appropriate legal principles and punishments. Cases involving capital punishment must also be reviewed by the King.

Shi'a are free to adjudicate exclusively noncriminal intra-Shi'a disputes within their own legal tradition.

The independence of the judiciary is prescribed by law and usually respected in practice, although jurists are nevertheless aware of (and reportedly have often acceded to) the power and influence of the royal family and their associates. The Justice Ministry is responsible for the appointment, transfer, and promotion of judges. Judges may be disciplined or removed only by the Supreme Judicial Council, an independent body of senior jurists. The Supreme Judicial Council in the past has investigated and removed corrupt judges to allow prosecution and imprisonment.

Specialized labor and commercial courts decide cases on the basis of decrees issued by the Council of Ministers and regulations issued pursuant to those decrees. The labor and commercial courts' effectiveness is frequently vitiated by long delays in reaching decisions and practical difficulties in enforcing judgments reached. In addition, it is often impossible to obtain texts of laws or decrees, and the decisions of the commercial and labor courts are reportedly often influenced by the relative rank or influence of the parties involved. The military justice system has jurisdiction over uniformed personnel and civilian government employees charged with violations of military regulations. Court-martial decisions are reviewed by the Minister of Defense and Aviation and the King.

The Board of Grievances arbitrates claims against the State. Although the Board has a staff of experienced jurists and is guaranteed considerable independence, it lacks the power to enforce judgments, and the collection of debts owed by the Government to contractors remains difficult.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Among the most fundamental of Islamic precepts are the sanctity of family life and the inviolability of the home. Saudi police must generally demonstrate reasonable cause and obtain special permission from the provincial governor before

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searching a private home, but warrants are not required. The Mutawwi'in may enter homes to search for evidence of un-Islamic behavior when they have grounds for suspicion, but instances of this appear to be rare. Wiretaps and mail surveillance can be carried out on the authority of officials of the Interior Ministry or the Directorate of Intelligence. Informants are reliably reported to be widely employed in internal security matters. An American citizen was detained and deported in 1989 for political statements made in private correspondence which was opened by Saudi authorities.

Most social and Islamic religious norms and strictures affecting personal life are matters of law and are enforced by the Government. Saudi women may not marry non-Saudis without government permission, which is rarely given. Saudi men must obtain approval to marry women from countries other than the six members of the Gulf Cooperation Council. During the Muslim holy month of Ramadan, the prohibition against public eating, drinking, or smoking during daylight hours is enforced on Muslims and non-Muslims alike. Prohibitions against alcohol and material deemed pornographic are strictly enforced and apply as well to foreign residents. Decorum in dress and demeanor, as well as the closing of shops for a half-hour period during the five daily prayers, are enforced by the Mutawwi'in.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The freedom of speech and press is significantly limited. Criticism of Islam or of the ruling family is not allowed. The potential presence of informers renders public criticism of the regime rare. In private, complaints are expressed relatively freely. Saudis are able to voice complaints and to seek redress of grievances through the open door audiences which are held regularly by even the highest officials, but such grievances are generally personal rather than political or social.

Saudi television and radio are state owned and operated. Foreign programs and songs are heavily censored, with references to politics, religions other than Islam, pork or pigs, and alcohol removed. Although foreign news is generally presented in an objective manner, news about subjects affecting Saudi Arabia is tightly controlled and conflicting viewpoints are not offered.

The press is privately owned. It is effectively controlled by a 1982 media policy statement and the firm understanding that nothing embarrassing to the Government, ruling family, or religious leadership may be published. The media policy statement enjoins the press to uphold Islam, oppose atheism, promote Arab interests, and preserve the cultural heritage of Saudi Arabia. Newspapers receive guidelines issued by the Information Ministry on government positions on controversial issues, and the government-owned Saudi Press Agency (SPA) expresses the official viewpoint on such issues. Most foreign news that does not directly concern Saudi Arabia is presented objectively. Domestic news concerning sensitive subjects, such as crime or terrorism, is not published.

Editors-in-chief are appointed with the tacit approval of the Information Minister, and the Government has the power to have them removed. Foreign publications circulate but can be

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censored for materials deemed immoral or explicitly or implicitly critical of Saudi policies and actions. For example, international publications such as Time or the International Herald Tribune are received by subscribers or appear on newsstands with advertisements for alcoholic beverages, pictures of female celebrities, and beach scenes torn out or obscured with black ink, and entire publications have sometimes been withheld from distribution. Crossword puzzles and comic strips in English-language newspapers are sometimes censored.

Academic freedom is constrained by similar guidelines; for example, the study of Freud, Marx, and Western philosophy is forbidden. Professors commonly believe that classroom comments which would be taken as antiregime will be reported to the authorities. There is also an injunction against the study of music in educational institutions, including universities. Nevertheless, there has been an increase in artistic activities in schools and universities, and in society in general, as evidenced by classes sponsored by the Saudi Arabian Society for Culture and Arts, an association whose head holds ministerial rank. There are also private art galleries, and some members of the royal family patronize the arts. Abstract and representational artists as well as photographers are allowed to work. Cinemas and most public musical or theatrical performances are, however, still prohibited.

b. Freedom of Peaceful Assembly and Association

Public demonstrations as a means of political expression or to present grievances are prohibited. Tribal, familial, and economic interest groups informally aggregate public opinion, which their leaders express to high officials. Nonpolitical clubs and professional groups may be organized with the permission of the authorities. The few existing professional bodies are permitted but not encouraged to maintain contacts with their recognized international counterparts. Public meetings are generally segregated by sex. Unless they are sponsored by diplomatic missions, members of groups seeking to hold unsegregated meetings face arrest, imprisonment, and deportation.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is strictly circumscribed. Islam is the official religion, and all Saudi citizens must be Muslims. Conversion to another religion is a crime punishable by death. The Saudis allow all Muslims who wish to visit Mecca and Medina to do so. However, in conjunction with the Organization of the Islamic Conference, they have established a system of national quotas for the yearly pilgrimage, or hajj, which is seen as discriminatory by some nationalities, particularly the Iranians. Travel to the holy places by non-Muslims is illegal. Political activities by pilgrims are banned. Islamic practice in Saudi Arabia is limited to that sanctioned by the "Wahhabi" interpretation of the Hanbali jurisprudential school. Practices contrary to this interpretation, such as the visiting of graves by pilgrims to Mecca or Medina, or the use of the Shi'ite call to prayer, are prohibited.

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The Shi'a Muslims of the eastern province, usually estimated at up to 400,000 persons, constitute a religious minority subject to officially sanctioned forms of social and economic discrimination. Any form of public Shi'ite practice that deviates from Sunni Islam is generally prohibited. Historically, the Government has prohibited Shi'ite public processions during the holy month of Muharram and restricted public celebrations to specially designated areas within the major Shia cities, but there were reports that authorities permitted marches in 1989 without banners or public self-flagellation. In addition, Shi'ite banners were allowed to be hung from a public building in at least one Eastern province town.

The Government offers to provide financial support for the Shi'a religious establishment, which is generally refused. The Government seldom permits private construction of Shi'ite mosques, and the Shi'a have refused government offers to build state-supported mosques, in which Shi'ite motifs would be prohibited.

Public or private non-Muslim religious activities are not permitted, and importation of non-Islamic religious materials, including Christmas cards or trees, is illegal. Persons wearing non-Islamic religious symbols in public may be arrested or publicly harassed by the Mutawwi'in. There are no non-Muslim places of worship, and foreign nationals may practice their religions only in secret. Proselytizing, large gatherings, or elaborate organizational structures are likely to attract official attention and lead to the imprisonment or expulsion of those responsible.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Male Saudis may travel freely anywhere within the country. Most male Saudis may also travel abroad freely. In the case of government officials, the permission of the royal court is required, but apparently is normally perfunctory. Saudi and non-Saudi women must obtain written permission from their closest male relative before being allowed to leave the country, or to travel on public transportation between different parts of the country. The passports of suspected subversives have occasionally been seized. Shi'a known to have pro-Khomeini sympathies may not be allowed to travel abroad. Saudis are permitted to emigrate and assume foreign nationality, which results in the loss of Saudi nationality. Citizenship is not revoked for political reasons.

There is no explicit formal policy regarding refugees or granting asylum. Refugees and displaced persons are in most cases dealt with like other foreign workers. With some exceptions, persons seeking residence in the country must meet strictly enforced requirements of sponsorship and employment. There are over 250,000 resident foreigners who fled their native countries, primarily Palestinians, Lebanese, Eritreans, Somalis, Afghans, and South Yemenis. These persons generally receive no special treatment, privileges, or services. Individual Saudis (frequently members of the ruling family) permanently sponsor such individuals to enable them to remain in Saudi Arabia, permitting them to find work where they may. In a small number of cases, sponsors reportedly have charged fees to such persons for providing documentation required by the Government. There are few Saudi refugees outside the country. Saudi Arabia is not a signatory of the International

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Convention on Refugees, but Saudi authorities have reportedly been responsive in cases where deportation of refugees to their home country would jeopardize their safety.

Foreigners living in Saudi Arabia, except for North Yemenis, are required to carry identification cards. They are not permitted to travel outside the city of their employment or to change their workplace without their sponsor's permission. Foreign diplomats may not travel outside of the major cities without notifying the Government. Foreign national employees are not permitted to travel abroad without their sponsor's permission, since sponsors hold their passports and are responsible for obtaining exit visas for them. Foreigners involved in commercial disputes are often not allowed to leave the country until the dispute has been resolved. Sponsors have taken advantage of this arrangement at times to exert unfair pressure to resolve commercial disputes in their favor. Occasionally Saudi sponsors or business partners have been able to prevent foreign nationals from departing Saudi Arabia for years or to have them arrested or deported. In criminal cases, Saudi regulations require that the passports of all potential suspects and witnesses be seized. This has sometimes forced innocent foreign nationals to remain in Saudi Arabia for lengthy periods against their will.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability peacefully to change their government. There are no formal democratic institutions, and most Saudi citizens have no voice in the choice of leaders or in changing the political system. The King rules the country in matters secular and religious, within limits established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders. The King's legitimacy is based upon his descent, his selection by consensus of the royal family, his adherence to the tenets of Islam, his ability to govern, and his perceived concern for the welfare and security of the nation. The King is also the Prime Minister, and the Crown Prince serves as First Deputy Prime Minister. The King appoints all other Ministers, who in turn appoint subordinate officials with cabinet concurrence. There are no popularly elected officials in Saudi Arabia. Political parties are not permitted, and there are no public organized opposition groups.

Traditionally, public opinion has been expressed through client-patron relationships and interest groups such as tribes, families, and professional hierarchies. The open-door audience (majlis) remains the primary forum for expression of opinion or grievance. Any male citizen or expatriate may attend these sessions, which the King, Princes, and all important officials, national and local, hold regularly and openly. Since the assassination of King Faisal during a majlis in 1975, however, kings have reduced the frequency of their personal contacts with the public. Access to King Fahd, to whom decisions on some even relatively minor matters are referred, is considered to be quite difficult. Typical topics raised in a majlis are complaints about bureaucratic delay or insensitivity, requests for redress or assistance, and criticism of particular acts of government affecting personal or family welfare. Broader "political" concerns--Saudi social, economic, or foreign policy--are raised only occasionally. Either the King or the Crown Prince meets with Sunni religious leaders at least once a week.

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This institutionalized but relaxed means of ascertaining public opinion through consultation has limitations. Participation by women in the process is severely restricted, although there are reports that women may seek redress through female members of the royal family. As governmental functions have become increasingly complex, time consuming, and centralized in Riyadh, direct access to senior officials has become more difficult.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no human rights groups in Saudi Arabia, and none critical of Saudi policies would be permitted. AI, in its 1989 Report, states that the Foreign Minister wrote to the organization in January 1988 indicating Saudi willingness to discuss with AI officials "the origins of human rights in Islam and the principles of the Shari'a and its implementation in the Kingdom of Saudi Arabia."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although racial discrimination is illegal in Saudi Arabia, substantial societal prejudice based on race still exists. Foreign workers from Africa and Asia are subject to various forms of discrimination, as are Saudis from the Yemeni-influenced areas of southwest Saudi Arabia.

Women in Saudi Arabia have few substantive political and social rights, and they are not equal members of society. Women (including foreigners) may not drive motor vehicles (or bicycles), and there are restrictions on their use of public facilities when men are present. By law and custom, women cannot travel alone; they may travel abroad, or within the country, only with the written permission of their nearest male relative. They are restricted to specially designated sections in the rear of urban buses with separate entrances. In public, women are expected to wear black garments covering their entire bodies, including, in many cases, their faces. Female circumcision or other mutilation is not practiced in most parts of Saudi Arabia, although there are indications that it may persist in the southwestern Tihama region. Although no figures are available, it is likely that physical abuse of women by their husbands or male relatives is not uncommon. "Islamic advice" columns in the Saudi press frequently recommend beating of women as a form of discipline.

In addition to these customary and legal restrictions, Saudi women are subject to discrimination inherent in the Islamic legal system. Under Islamic law a daughter's share of an inheritance is less than that of her brother, although the brother has financial obligations to his mother and sisters. Women must demonstrate legally specified grounds for divorce, but men may divorce without grounds. If divorced or widowed, a woman normally may keep her children until they attain the age of 7 years, but then they revert to the husband's family, to whom they belong under Islamic law. American women married to Saudis have frequently been barred from visiting their children after divorce. In a Shari'a court, the testimony of one man equals that of two women. Although Islamic law permits polygamy, it is becoming less common, especially in cities and among younger Saudis. Islamic law limits the

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number of wives to four, and requires a husband who has more than one wife to treat each of his wives equally.

Employment opportunities for Saudi women are extremely limited, although there has been some slight improvement in recent years. In practice their employment is largely restricted to the media and to the teaching and health care professions. Free but segregated education through the university level is available to Saudi women, and the number of women enrolled in the educational system now totals more than a million, up about 50 percent in the past 5 years. Saudi men are able to study overseas; Saudi women cannot.

The large expatriate work force does not, for the most part, receive the same economic and social benefits available to native Saudis and must conform to restrictive Saudi social standards. Only a few highly skilled or high-ranking foreign workers are allowed to bring their families to live with them. Visits by relatives of foreigners working in Saudi Arabia, including foreign diplomats, are difficult to arrange. Employment opportunities for non-Muslims are circumscribed. Foreign embassies have received numerous reports of sexual abuse of female domestics by Saudi employers. It is almost impossible for these women to obtain redress in the courts, although a few employers have reportedly been punished for such abuses.

Saudi Shi'a face discrimination in government and industrial employment, especially in jobs with national security implications, which is broadly defined. The government petroleum company, Saudi Aramco, which traditionally provided large numbers of jobs to Shi'a, reportedly has been instructed to cease all further hiring of Shi'a and to phase out gradually all Shi'a working in responsible positions. Shi'a also face some limitations on their access to social services, despite efforts by the Government to improve the social service infrastructure in predominantly Shi'a areas of the country. Since the Iranian revolution, some Shi'a have been subjected periodically to surveillance and limitations on travel abroad.

Members of the royal family, and of other powerful families, are not subject to the same legal constraints as other Saudis. Princes and other influential persons may not be subject to customs inspection on entering the country and cannot be arrested. Government contracts are allegedly often awarded on the basis of influence, and foreign companies doing business in Saudi Arabia are said to need an influential "sponsor," often a member of the royal family, to be successful.

Section 6 Worker Rights

a. The Right of Association

Government decrees prohibit the formation of labor unions and strike activity. Saudi Arabia has been a member of the International Labor Organization (ILO) since 1976 but has ratified neither ILO Convention 87 regarding freedom of association, nor Convention 98 on collective bargaining.

b. The Right to Organize and Bargain Collectively

Collective bargaining is not recognized. There are no export processing zones in the country.

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c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor, in the usual sense, is not known to exist in Saudi Arabia. However, since employers generally exercise control over the movements of foreign employees, situations that could be described as forced labor can occur, especially in remote areas where workers are unable to leave their place of work. There are also reports that female workers are sometimes prevented from leaving the homes of their employers and forced to work 12 to 16 hours per day, 7 days a week. In addition, there are reports of workers whose employers have refused to pay several months' or even years' of accumulated salary, or other promised benefits, although in such cases workers have recourse to the labor courts. Workmen's wages are considered "first-class privileged debts," secured by a lien on all of the employer's property, and enforceable for collection before all other debts.

d. Minimum Age for Employment of Children

There is no minimum age for workers employed in family-operated businesses or in other situations that are construed as extensions of the household (e.g., farmers, herdsmen, and domestic servants) since they are not covered by Saudi Arabia's labor regulations. In other cases, the labor regulations provide for a minimum age of 13, which may be waived by the Ministry of Labor with the consent of the juvenile's guardian. Women and children under age 18 may not be employed in hazardous or harmful industries, such as mines or industries employing power-operated machinery.

e. Acceptable Conditions of Work

There is no legal minimum wage. The effective minimum wage is the amount required to induce laborers to come to work in Saudi Arabia. In some companies and institutions, wages are effectively set in accordance with nationality. As a result, workers from some countries may find themselves paid far less than workers from other countries who have equal seniority and are doing the same job. Saudi labor regulations establish a maximum 48-hour workweek at regular pay, and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay.

Saudi labor regulations require employers to protect most workers from job-related hazards and disease, but workers employed in family-operated businesses, farmers, herdsmen, and domestic servants are not covered by these regulations. The law specifically prohibits employers from requiring workers to work outside when the temperature exceeds 122 degrees Fahrenheit. Labor Ministry inspectors and the labor courts are seeking, with some success, to enforce the labor code, but foreign nationals report frequent failures to enforce health and safety standards.

Saudi Arabia has a generous social security program. Most foreign workers were formerly eligible to participate in this program on the same basis as Saudis, but were excluded from participation in 1987. Saudi Arabia is now refunding all previous contributions by foreign laborers to these programs, with interest.

Foreign workers reside in Saudi Arabia in an explicitly temporary status comparable to workers who enter the United States under temporary labor contracts. As a consequence,

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they are officially barred from seeking employment with anyone but their sponsor, although in practice many do change jobs during the course of their stay in Saudi Arabia. If dismissed, foreign workers are officially obliged to leave the country by a date set by their employers, although many do stay on in alternate employment. In some cases, foreigners, who have worked in Saudi Arabia for many decades and who may have no country to which they can return, find themselves required to leave the country immediately if demanded by their employers or upon retirement.

There are numerous reports of domestic servants being victims of overwork and sexual and physical abuse. Saudi relations with a country supplying large numbers of foreign domestics were, in fact, strained in 1988 due to that country's concern with the treatment of its citizens in such positions. This problem was later settled--at least to the satisfaction of both governments--through bilateral negotiations. As noted above, domestic positions, such as maid, nanny, and cook, are not covered by Saudi labor regulations. This fact, plus ignorance of the labor regulations, inability to understand Arabic, and fear of retribution from their employers, have generally militated against maids pressing charges in court. The Government, in general, considers cases involving domestic servants to be private family matters and will not get involved unless clear-cut charges of severe abuse are brought to its attention.

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Sri Lanka's constitutional, multiparty form of government features a strong executive presidency and a unicameral legislature elected by universal adult suffrage. The 1980's saw rising tension between Sri Lanka's majority Sinhalese and minority Tamil populations. By 1986 government security forces were battling armed Tamil separatists. In July 1987, The Governments of Sri Lanka and India concluded a Peace Accord to end the conflict.

Radicals of both major ethnic groups refused to accept the Accord. In the Sinhalese-majority south, government security forces were pitted against the revolutionary Janatha Vimukthi Peramuna (JVP) attempting to overthrow the Government by terrorist methods. In the Tamil-majority northeast, the Liberation Tigers of Tamil Eelam (LTTE) waged guerrilla war against the Indian Peace-Keeping Force (IPKF), introduced under the Accord, and India's Tamil militant allies.

In 1989 the JVP stepped up its campaign against the Government and population at large. Likened by some observers to Pol Pot's Khmer Rouge and the Maoist Shining Path in Peru, the JVP sought to topple Sri Lanka's elected Government through a campaign of murder, intimidation, and strikes designed to paralyze civil administration, cripple the economy, and disrupt society. It did so despite repeated efforts by the Sri Lankan Government to bring the JVP into the political mainstream. In 1988 the Government had legalized the JVP and invited it to participate in the elections. The JVP responded by killing voters and candidates in an attempt to disrupt elections held in late 1988 and early 1989. In January 1989, in an effort to open a dialog with the JVP, newly elected President Ranasinghe Premadasa released 1,800 JVP suspects and lifted the state of emergency. The JVP nonetheless continued its terror campaign of targeting hospitals, transportation, and other essential services, murdering union leaders who refused to participate in JVP-called strikes and killing the families of security force personnel. At mid-year, the Government began a massive crackdown on the JVP. It detained several thousand JVP suspects. By the end of the year, security forces had captured or killed much of the JVP's top leadership.

During 1989 the IPKF remained active in the northeast. Here Indian forces and their Tamil militant allies--particularly the Eelam People's Revolutionary Liberation Front (EPRLF)--battled the LTTE until a cease-fire went into effect in September. In the same month, India concluded an agreement with Sri Lanka for the withdrawal of the IPKF. India began evacuating troops late in the year. While significant numbers of Indian troops remained in the northeast at the end of the year, Indian authorities said they hoped to complete the Indian withdrawal by March 31, 1990. As the IPKF withdrew, the LTTE clashed with India's Tamil allies, as did Sri Lankan security forces. One week-long battle in December reportedly left 100 combatants and 50 civilians dead.

Sri Lankans elected a new President in December 1988 and a new Parliament in February 1989. The JVP and LTTE tried to prevent these elections through death threats and assassinations, killing hundreds of voters and 14 parliamentary candidates. As a result, turnout was low by Sri Lankan standards. International observers declared both elections largely free and fair, given the prevailing conditions. The leading opposition presidential candidate,

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however, challenged the results of the presidential election in court.

Until the 1980's, Sri Lanka had a largely ceremonial army. However, in response to terrorist threats and guerrilla insurgency, the Government has enlisted upwards of 50,000 men in its army, navy, and air force. About 25,000 men serve in its police force, including 2,000 police commandos in the Special Task Force (STF). The Government also maintains a force of some 15,000 paramilitary home guards and is raising a Citizens Volunteer Force (CVF) in the northeast. The overwhelming majority of security force personnel are Sinhalese.

About 60 percent of Sri Lanka's productive capacity is owned or controlled by the Government. The rise of Tamil separatist and then JVP insurgencies during the 1980's damaged Sri Lanka's economy and crippled what many considered its high developmental potential. In 1989 the JVP's violent antigovernment campaign seriously hampered economic growth. Per capita gross domestic product is less than \$400. Tea, foreign aid, garment exports, and remittances from expatriate Sri Lankans are leading sources of foreign exchange.

The human rights situation deteriorated further during 1989. Over 8,500 persons, many of them civilians, died violently, the highest death toll since Sri Lanka achieved independence in 1948. There were reports of human rights abuses, not only by radical groups such as the JVP and LTTE, but by government security forces, the IPKF, and the IPKF's Tamil militant allies. Credible allegations linked the IPKF and government security forces to extrajudicial killings, disappearances, and torture.

The rise of anti-JVP vigilante groups in the south was a disturbing development in 1989. The Government denied knowing the identity of these vigilantes and announced an independent investigation into their activities. Nevertheless, knowledgeable observers claimed that the groups were manned at least in part by security force personnel operating with the knowledge of the Government.

In 1989 thousands of Sri Lankans were detained by the Government and--to a lesser extent--the IPKF. The Government acknowledged that it held 7,200 persons without charge. Emergency Regulations granting sweeping powers to security forces enacted in late 1988 were lifted in January only to be reimposed at midyear in a response to increased terrorist activity. The Prevention of Terrorism Act (PTA), which also grants security forces wide-ranging powers, was in effect throughout 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Political killing remained Sri Lanka's leading human rights problem. Widespread terrorist activity, ongoing military operations, disruption of civil administration, and government secrecy made collection of accurate statistics difficult. Moreover, as law and order deteriorated, distinguishing between political killings and common criminality became

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problematic. Rough independent estimates put the number of political killings at over 8,500--of which perhaps 5,600 were civilians. The remaining 2,900 were combatants: members of the security forces, the IPKF, Tamil militant groups, and the JVP.

More than 550 civilians died in the northeast. About 350 were killed during Liberation Tigers of Tamil Eelam (LTTE) clashes with the IPKF and the IPKF's Tamil militant allies, in reprisal killings by the IPKF and its allies, and in other forms of political killing. The remaining 200 civilians represent Sinhalese and Muslim men, women, and children killed by Tamil militant groups. In addition, there were about 1,600 members of all combatant groups killed.

In the south, over 6,300 died as a result of political violence. Perhaps 5,100 were civilians. By a very rough estimate, more than 2,500 civilians were killed by the JVP, a minimum of 2,000 by vigilante groups, and over 200 by the security forces. The JVP killed about 500 members of the ruling United National Party and 400 members of the security forces.

During 1989 the rise of anti-JVP vigilante groups was disturbing. In July the JVP threatened to kill the families of security force personnel, and over the next several months it murdered more than 50 men, women, and children related to members of the forces. Shortly thereafter vigilante activity increased markedly throughout the south. The killing fit a pattern: first, members of security force families were killed, presumably by the JVP; then, within days or sometimes even hours, vigilante groups would abduct JVP suspects, summarily execute them, and burn their bodies. Human rights groups alleged that some victims of vigilante killings had been identified as persons previously arrested by security forces.

The Government denied knowledge of the identity of these vigilantes and declared that vigilantes would be treated like terrorists if they were captured. This claim of ignorance runs counter to strong circumstantial evidence linking the security forces to vigilante groups. A wide range of observers--human rights groups, opposition politicians, individual government officials, and members of the security forces themselves--assert that many vigilantes were security force personnel operating with the knowledge and acquiescence of the Government.

Both the JVP and anti-JVP vigilantes were reportedly responsible for threatening lawyers. At least five lawyers were assassinated. The JVP targeted lawyers who ventured to defend members of the security forces accused of wrongdoing. At least one prominent human rights attorney left the country following death threats. Vigilantes targeted lawyers who represented persons seeking redress for human rights abuses at the hands of the security forces and who had filed habeas corpus petitions on these persons' behalf or that of their families. The JVP also threatened members of the news media. It reportedly killed the Chairman of the Sri Lanka Broadcasting Corporation, a well-known radio and television announcer, and the chief news editor of the state-run television corporation.

The Government condemned threats and attacks against lawyers, and ordered the establishment of an independent commission to

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investigate vigilante groups. The Attorney General's office charged 10 policemen with murder in two different security-related cases. By the end of 1989, three had gone to trial. The rest awaited trial. In 1989 the military court-martialed a number of servicemen for abuse of authority. Following a pattern set in 1983, the Government published no results of its inquiries into alleged security force human rights abuses.

b. Disappearance

Frequent disappearance of both Tamils and Sinhalese, usually young men, remained another major concern. Amnesty International (AI), in a May report on disappearance in Sri Lanka, said that it had received reports of 780 cases since 1983--83 of them since the signing of the Indo-Sri Lankan Peace Accord in 1987. Of the newer cases, 49 were reported to have occurred in the south at the hands of government security forces and 34 in the northeast by members of the IPKF and its Tamil allies. The Government acknowledged that reports of some 800 cases of disappearance had been made. It said that of the 685 cases recorded before the Accord--mostly those of suspected Tamil militants--only a small number had been resolved.

Other observers, including local human rights groups and the Committee of Parliamentarians for Fundamental and Human Rights, believe that many more disappearances in fact have occurred since the Accord. In May, within a month of its formation, the Committee, made up of opposition members of Parliament, reported that it had received reports of 250 disappearances since the Accord. Most were in the south. By year's end, some 3,000 cases of disappearance in the south had been reported. Human rights groups said they had received reports of more than 100 disappearances in the northeast, most allegedly at the hands of the IPKF. They also noted a small number of abductions of civilians by Tamil militant groups. In some of these cases, those abducted were later released; in others, they "disappeared." The JVP in the south also abducted civilians, though victims were most often found dead shortly after their abduction.

In the majority of cases, according to AI, local human rights groups, and the Parliamentary Committee, reports of disappearances were documented by family members or other witnesses in sworn affidavits attesting to the arrests of persons who later disappeared. Often these affidavits described their efforts to visit arrested persons at police stations, military camps, or detention centers, only to be told by security officials that the persons seen arrested were not in custody.

In some cases, fellow detainees swore that they had seen in custody persons said by security forces not to have been arrested. In a few cases, detainees swore that they had seen "disappeared" persons taken away by security forces and not returned or that they saw these persons' corpses. Reports like these, along with the fact that the Emergency Regulations (ER) permit security forces to dispose of dead bodies without inquest, strongly suggest that some "disappeared" persons have been killed by the security forces, perhaps in reprisal for attacks on security forces and their families.

Sri Lankan attorneys have brought some 1,300 lawsuits during the past 6 years--more than 400 in 1989 alone--asking the

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Government to produce "disappeared" persons. Many of the earlier cases have been dropped with the Government's release over the last 3 years of some 5,500 Tamil and Sinhalese militants. Under normal circumstances, government authorities respond within days to such summonses. However, under the Prevention of Terrorism Act (PTA), the delay allowed while the Government prepares its response is 12 months.

The Government claimed that several factors complicated accounting for disappeared persons. These include false names given by arrested persons to conceal their identity and affiliation and the fact that many detainees may have left the country after a short detention period.

The IPKF did not respond to lawsuits filed in Sri Lankan courts. In one case, a court lodged contempt proceedings against an IPKF officer who failed to appear in response to a summons in the case of a suspected Tamil militant allegedly arrested by Indian soldiers in April 1988 and subsequently reported to have disappeared.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides that "no person shall be subjected to torture, cruel, inhuman or degrading treatment or punishment." However, there were continuing reports by eyewitnesses, human rights organizations, members of Parliament, individual government officials, and members of the security forces that Sri Lankan security force personnel and the IPKF tortured and mistreated persons in detention. Victims and family members have also alleged torture at the hands of Tamil militant groups.

In January 1989, three police officers were charged with murder in the death while in police custody in September 1988 of a lawyer and accused JVP activist. Medical evidence showed that the lawyer had sustained more than 100 internal injuries and had died as a result of beating. By the end of the year the trial had not yet concluded. In March a doctor, who had been released after a government decision not to pursue charges against him, told the press he had been tortured by police during the first weeks of his detention. Findings of inquiry--if any--into these charges have not been made public.

In its report on Sri Lanka issued in May 1989, AI stated it had received reports "that torture is used extensively by the Sri Lanka security forces, and that several people have died as a result of injuries incurred through torture." Local human rights groups and some government security officials acknowledge that Sri Lankan security forces commonly used torture to elicit information and cooperation from suspected members of the JVP. The ER allow confessions made to police officers to be used in court. Moreover, the ER place the burden of proof on defendants to show that a confession was exacted under duress.

AI and local human rights groups also reported numerous cases of the IPKF torturing suspected Tamil militants. There were also reports that IPKF-allied Tamil groups tortured Tamil militants opposed to them. Local human rights groups received a large number of affidavits from victims stating that Indian soldiers beat them with rods, whipped them with electric cords, and subjected them to electric shock and dunkings. The Indian Government denies these allegations. It is unknown

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whether the Indian Government conducted any investigations into these charges or took any disciplinary actions.

A number of persons alleged in petitions to the Supreme Court in 1988 and 1989 that they had been tortured. In one such case, heard in December 1988, the Supreme Court ordered the State to pay \$500 compensation to a person the Court found had been subjected to cruel, inhuman, or degrading treatment. The Government stated that a number of servicemen had been court-martialed for mistreating detainees. However, it provided no details of the charges, the number charged, or the verdict and sentences issued.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person "shall be arrested except according to procedure established by law." It further provides that an arrested person must be informed of the reason for his arrest. By law, an arrested person must be brought within 24 hours before a magistrate who may authorize bail or, for serious crimes, order continued detention. However, criminals are frequently not informed of the reasons for their arrest, though they are generally produced before a magistrate within a few days of arrest. A suspect may be detained up to 3 months without bail or longer if a court so rules.

The PTA, adopted in 1979, and the ER, renewed monthly with the extension of the state of emergency in effect since 1983, give the security forces extraordinary powers in dealing with suspects. President Premadasa suspended the ER shortly after taking office in January but reimposed them in June in response to growing JVP terrorist activity. The PTA and ER permit preventive and incommunicado detention. Under the ER, security forces may detain a suspect for up to 3 months before he must be presented to a magistrate. The PTA and the ER also include vaguely defined acts which can encompass nonviolent expression of opposition to the Government.

Magistrates are not empowered to investigate the circumstances leading to a person's arrest and continued detention but under the ER "shall" remand the detainee to a prison where he may be held indefinitely. A person held under the PTA may be detained without charge for up to 18 months. There have been numerous cases in which persons have been held longer. Bail may be granted for persons held under the ER but, once charged, persons held under the PTA are ineligible for bail. Visits by family, access to lawyers, food, and other conditions of incarceration are normally restricted under these extraordinary laws.

Relatives may write to the Ministry of Defense and ask that the case of a family member detained under the PTA be reviewed. The review is conducted by a three-man advisory board which considers the evidence, interviews the police and the detainee, and makes a nonbinding recommendation. Board reviews frequently take several months, and the authorities have refused or delayed carrying out the recommendation of the board in some cases. By the end of the year, the board had reviewed the cases of approximately 1,000 suspected JVP members who had surrendered to the Government, freeing about 250 and recommending the balance for rehabilitation. At the beginning of 1990, the board had a backlog of 5,000 cases, representing persons arrested by security forces.

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In May the Government appointed a retired Supreme Court judge to head a committee monitoring the arrests, detention, and release of students. In September the Government stated it would file lists of detainees with local government officials and permit access to them by family members and other interested persons. The Government also said it would permit Members of Parliament to visit certain places of detention after prior notice to the Ministry of Defense. By year's end, the Government had not provided the promised full lists to local officials. It did, however, provide the names of several thousand detainees to Members of Parliament.

Persons may challenge the legality of their detention either by filing a habeas corpus suit in the Courts of Appeal or by charging the Government before the Supreme Court with illegally violating fundamental rights under the Constitution. In early May, the Court ruled that police had violated the fundamental rights of two women who were twice arrested on suspicion of involvement with the JVP, and it awarded them damages. However, in many cases these provisions did not provide effective means of redress to persons who allege arbitrary detention. The Courts of Appeal are located only in Colombo, which necessitates costly travel to the capital for those seeking redress. Fundamental rights suits must be filed--complete with documentation--within 30 days of the alleged infringement. This 30-day limit makes it virtually impossible in practice for persons detained incommunicado for prolonged periods, or relatives of those alleged to have disappeared, to bring such suits.

In a peace gesture toward the JVP, President Premadasa within weeks of taking office in January released some 1,800 persons detained under the ER. However, JVP terrorist activity continued unabated. During the year the Government used the PTA and the ER to detain large numbers of JVP suspects. In October the Government said that it was detaining 7,200 persons. Human rights groups believe the number may be higher. They also assert that in some cases family members of suspects are arrested and held until the suspects produce themselves. Human rights groups claimed that detainees were held not only in prisons and detention centers but also in military camps. The Government has said it will grant access to these camps only to members of an International Committee of the Red Cross (ICRC) team attempting to trace missing persons.

The release of Tamil militants held by the Government, begun after the signing of the Accord, continued. Since mid-1987, more than 3,800 Tamil suspects have been released. In August the Government announced that only 51 suspected Tamil militants remained in custody.

AI and local human rights groups reported that the IPKF continued in 1989 to arrest and detain without charge suspected Tamil militants in its camps in the northeast. In late September, the Commander of the IPKF said Indian troops had captured 1,185 LTTE members since October 1987. Perhaps as many as 1,000 of these persons, as well as others identified as LTTE sympathizers, remain in IPKF custody. The IPKF has not responded to lawsuits in Sri Lankan courts filed to compel it to produce arrested persons. It has not stated on what legal basis persons are being held or specified the course of due legal process to be followed in their cases.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

Substantial due process rights are accorded in nonpolitical cases, but trials under the PTA and ER are lacking several significant procedural safeguards. Persons accused of criminal acts are generally entitled to a fair public trial, are informed of the charges and the evidence against them, and are represented by counsel of their choice. Persons tried in the High Court and the Court of Appeals on criminal charges are provided an attorney at government expense if necessary. The Government does not provide attorneys in other cases, though private legal aid organizations provide assistance to some defendants. Although public trial by jury is the custom, juries are not provided in trials under the PTA on the grounds that jury members could be intimidated.

Confessions are admissible in PTA and ER cases but not in nonpolitical criminal and civil cases. Those convicted under the PTA or the ER have the same right of appeal to the Appeals and Supreme Courts as those sentenced in other cases. However, most people held under these Acts are never formally charged and therefore do not enter the appeals process.

The Sri Lankan judiciary is independent. The President appoints all judges of the Sri Lankan Supreme Court, Courts of Appeal, and High Courts. The Chief Justice and two Supreme Court judges comprise a Judicial Service Commission which appoints, transfers, and dismisses lower court judges. Judges serve from time of appointment to mandatory retirement age: 65 for Supreme Court judges, 62 for others.

In late 1988, the Government enacted legislation to create a special tribunal for the expeditious trial of suspected terrorists and subversives. The tribunal was to sit without jury and admit in evidence confessions and other statements made to any person in whatever circumstances. It would act on the basis of written complaints from the Inspector General of Police or any Deputy Inspector General. At the end of 1989, it was unknown whether this body had tried any cases.

In the Northeastern Province, intimidation by Tamil militants, especially the LTTE, prevented the judiciary from functioning. In the south, the JVP also abridged the right to fair public trial by threatening judges. In at least one instance the JVP allegedly attacked a lawyer defending three police officers charged with the murder of a suspected member of the JVP.

The Government brought indictments against more than 375 persons detained under the PTA and ER in 1989. It is impossible to know how many of the 7,200 persons the Government admits are under detention, and the estimated 1,000 persons in IPKF custody might be accurately termed political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects individual privacy and the sanctity of the family and the home. The judiciary has a good record of upholding rights to privacy in cases which reach the High Court. Ordinarily, search and arrest warrants are required to enter private premises. Under the PTA, however, police officers above a certain rank and less senior officers authorized by them in writing may enter and search any

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premises without a warrant and seize "any document or thing" when there is a presumption or evidence of support for, or involvement with, unlawful activity. These powers were used extensively in 1989.

As in the past, IPKF soldiers operating in the northeast manned checkpoints, stopped vehicles, and searched homes and persons at the direction of officers without warrant or other legal sanction. In June India's Tamil allies began forcibly conscripting young Tamil men in the northeast to provide manpower for the defense of Tamil-majority areas. This force, "The Tamil National Army," was distinct from the Citizens Volunteer Force raised under the Government's Manpower Mobilization Act and not sanctioned by Sri Lankan law. An estimated 4,000 young men were forcibly conscripted. Perhaps another 1,000 youths fled the northeast to avoid impressment. An unknown number of the draftees were subsequently released by their abductors. Perhaps 500 were captured while fighting the LTTE and Sri Lankan security forces and subsequently released.

In the south, the JVP used intimidation to recruit unwilling members and to force participation in demonstrations and other activities liable to subject individuals to criminal prosecution. University and secondary school students were particularly affected by JVP coercion--a development that contributed to campus unrest and the closure of most schools for much of the year. Students reportedly intimidated university administrators and teachers, rendering ineffective any schools which remained open.

Monitoring telephones or correspondence is not known to be a common practice. Local politicians, journalists, and human rights activists have, however, alleged government wiretapping.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

In the south, the JVP stepped up its terrorist campaign against the Government, killing over 2,500 civilians and causing great human suffering. Throughout the year, the JVP used death threats to compel participation in strikes which closed businesses and government offices. In addition, the strikes disrupted the distribution of food supplies and other key commodities. Threats against importers and consumers of Indian goods caused a shortage of pharmaceuticals.

In July the JVP threatened to kill the families of security force personnel (see Section 1.a.). In August the JVP targeted hospital workers in the Western Province. Threats against doctors, nurses, and other hospital employees--and the murders of at least two health practitioners--effectively shut down health service in the country's most populous region for several weeks. As a result, an estimated 100-plus persons died for lack of medical care.

The Government countered the JVP's campaign with the enactment of a number of extraordinary laws designed to quell civil unrest. As part of the ER, the Government in late 1988 broadened security force powers to dispose of dead bodies without inquest. It issued "shoot-on-sight" orders against illegal demonstrators and curfew violators. It declared making or posting a death threat a capital offense. These laws were suspended with the ER in January but reimposed with the ER in June.

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Throughout the summer and into the fall, the Government waged an all-out campaign against the JVP, making a concerted effort to wipe out its leadership. By late November, most key leaders had been captured or killed. Two of the three most senior JVP leaders were killed after their capture. According to the Government, they were shot while trying to escape.

In December 1988, Parliament amended the "Indemnity Act" to extend immunity from prosecution for acts, "legal or otherwise," committed by security force members, members of the Government, and government servants acting "in good faith" to preserve public order between August 1, 1977 and December 16, 1988. Human rights groups have criticized the Act for its broad scope and its obvious potential to abridge constitutionally guaranteed rights. The Government invoked the Indemnity Act once in January, arguing that family members of those killed in a 1983 communal riot at Colombo's Welikada Prison should not be granted compensation from the Government because security forces had acted "in good faith" to quell the disturbance.

There were eyewitness reports that security forces shot on sight persons putting up posters in July. Security force personnel posted their own placards threatening reprisals should the JVP kill their relatives.

In July security forces confronted large-scale demonstrations in many parts of the south. Security force personnel, allegedly after being fired on from the crowds, fired back. Perhaps as many as 150 persons were killed in 2 days throughout the south.

In the northeast, Tamil militants reportedly murdered some 200 unarmed Sinhalese and Muslims because they had settled on territory claimed as a Tamil homeland by Tamil militants. In addition, the LTTE apparently exacted civilian assistance in the form of shelter, food, money, and assistance. Providing assistance to the LTTE exposed civilians to punishment by the IPKF.

There were numerous credible reports by victims and witnesses of indiscriminate IPKF reprisals against civilians in the northeast. According to the worst of these reports, Indian troops in early August attacked civilians in the northern town of Valvedditturai, summarily executing many. The incident followed an LTTE attack which left seven Indian soldiers dead. By the best count available, 53 men, women, and children were killed by Indian soldiers in the retaliation. The Indian Government ordered an investigation into the incident, but no results have been made public.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for "freedom of speech and expression including publication." However, it also permits these rights to be restricted "as may be prescribed by law in the interests of national security."

Many newspapers criticize the ruling party and the Government. However, opposition groups alleged that the ER have been used directly and indirectly to restrict free speech. For example, persons wishing to post bills advertising meetings of any type are required under the ER to secure police approval of the

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text. In May 1987, the Supreme Court ruled that this clause gave the police too broad an authority. It declared that police must specify a reason for denying a person permission to post bills. Posting of bills threatening death was made a capital offense in late 1988 (see Section 1.g.).

In 1989 the Government continued to prosecute individuals who distributed "antigovernment" literature. It also considered possession of JVP literature prima facie evidence of involvement in the organization and reason for detention under the ER. In September 1987, Parliament amended the Parliamentary Powers and Privileges Act of 1978, which permits Parliament to impose a fine on anyone who criticizes a member of Parliament. Under the 1978 Act, fines imposed were limited to \$160. Under the 1987 amendment, Parliament was empowered to levy unlimited fines and imprison violators for up to 2 years. While the amendment was not applied in 1989, human rights observers believe it serves as a deterrent to free speech.

The Government controls the country's largest newspaper chain and owns the radio and television services. A variety of independent newspapers and journals, however, provide a full range of viewpoints on foreign policy and most domestic matters, including human rights issues. Many small-circulation periodicals published by opposition political parties operate freely.

The Government imposed formal press censorship on press and other media between June 30 and July 24. Earlier, in order to counter JVP threats against state-owned media employees, the Government compelled these employees to go to work, in some instances forcibly conveying workers to their jobs. In July the Government expelled a British Broadcasting Corporation film crew for violating press censorship regulations.

Some Sri Lankans assert that the Government can intimidate the press even without formal censorship. By threatening to take over private media which it claims do not operate in the public interest, for instance, the Government has allegedly prevented the media from accepting advertisements from certain organizations. Members of the media allege that the Government also exerts pressure on the press by controlling permits for the import of newsprint and through placement of considerable amounts of government announcements and advertising.

The IPKF and its Tamil militant allies reportedly attempted to influence Jaffna-based Tamil newspapers in an effort to increase favorable reporting on the IPFK. According to human rights groups, the IPKF-allied Eelam People's Revolutionary Liberation Front (EPRLF) forced the closure of the three independent Tamil dailies in Jaffna and abducted a number of their staff members. The EPRLF reportedly hoped to clear the field for the establishment of a new Tamil daily closely linked to it.

Radicals in the northeast and south also practiced a particularly brutal form of censorship through intimidation and murder in 1989. In early May, Tamil militants killed the son of the editor of one of Jaffna's Tamil dailies, as well as the Jaffna correspondent of one of the country's three major English language dailies. In the south, the JVP threatened and murdered several journalists and executives of the state-run media (see Section 1.a.). It also targeted vendors

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and distributors of government-owned newspapers, killing several of them in an effort to prevent the newspapers' circulation in parts of the south.

Academic freedom is generally respected by the Government. The JVP coerced students into boycotting classes. In some cases, students occupied university and secondary school campuses at JVP instigation. In response, the Government closed public universities and secondary schools in the south. They remained closed most of the year. Private schools which stayed opened received threats from the JVP and closed. In the north, forced conscription of teenagers led many parents to keep their sons at home or send them away for safety (see Section 1.f.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association. These, however, can be restricted under provisions of the ER and PTA. Sri Lanka has numerous private associations, which are free to maintain ties with international bodies.

Under the ER, the President (or his designee) may prohibit public meetings "likely to cause a disturbance to public order and promote disaffection." In practice, the police issue or deny permits at the discretion of the Superintendent of Police in each area for outdoor public meetings or processions. There was no evidence in 1989 that permits to hold public meetings were denied to the legal opposition. In November 1988, the Government ordered its security forces to shoot on sight illegal antigovernment demonstrators (see Section 1.g.).

Antigovernment militants were the greatest threat to Sri Lankans' freedom of assembly. JVP members attacked UNP and other political party meetings in the period before the February 15 parliamentary elections, killing hundreds of voters and keeping many thousands from the polls.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution establishes Buddhism as the official religion and requires the Government "to protect and foster" Buddhism. It also guarantees the rights of all others, including Hindus, Muslims, and Christians, to practice their religions freely. Complaints in the past that Buddhists had an advantage over members of other religions in winning senior government positions are now heard less frequently. Members of all religious groups hold influential positions in the Government and in major political parties.

Religious groups are free to maintain active ties with coreligionists in other countries, and many Sri Lankans perform religious travel each year. Religious publishing and proselytizing are freely allowed, and foreign clergy may work in Sri Lanka.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence within Sri Lanka" and "freedom to

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return to Sri Lanka." These constitutional provisions are generally honored.

However, believing that Tamil militants were frequently crossing from southern India to northern Sri Lanka via the Palk Strait, the Government adopted a series of measures, beginning in 1984, which progressively restricted free movement in the north. Maritime surveillance and prohibited zones significantly restricted free movement and made it almost impossible for resident fishermen to ply their trade. These restrictions were strengthened significantly by the IPKF in the northeast but were not enforced consistently during 1989.

Movement in the northeast and the south was also restricted by curfews imposed by the Government, as well as by "strikes" ordered by the JVP and enforced through threats and assassination. Southern districts were under night curfew from late July through October as the Government attempted to end terrorist incidents and capture or kill the JVP's leadership.

Sri Lanka generally denies entry to refugees or displaced persons from other countries. The Government does not help refugees who attempt to stay in the country while seeking permanent residence elsewhere.

There was an unknown number of internally displaced persons in Sri Lanka at the end of the year. Most lived with relatives or friends. The Government estimated that some 134,000 Sri Lankan Tamil refugees left the island for southern India during the 4 years of fighting prior to the Accord. In late April, it said that about 40,000 of these persons had returned to Sri Lanka, many with the help of the United Nations High Commissioner for Refugees and the Governments of India and Sri Lanka. Another 12,000 refugees are known to have returned without assistance. Refugee officials estimated that fewer than 5,000 Sri Lankan Tamil refugees remained in camps in southern India. The remaining 90,000 persons are believed still in southern India, living and working in the local economy. In addition, as many as 60,000 Sri Lankan Tamils have sought refuge in Western Europe and North America.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their government through periodic, multiparty elections. There is universal adult suffrage, and voter turnout is high (usually around 80 percent).

In December 1988, Sri Lankan voters elected then-Prime Minister Ranasinghe Premadasa of the United National Party (UNP) as President with 50.4 percent of the popular vote. He succeeded his UNP colleague, J. R. Jayewardene. In February 1989, the UNP won 50.7 percent of the popular vote and 125 of 225 seats in the nation's first parliamentary elections in 12 years.

Both elections were marked by high levels of violence instigated by the LTTE in the northeast and the JVP in the south. Both organizations attempted through intimidation and murder to halt the elections and prevent citizens from voting. In the first 6 weeks of the year, the JVP killed 14 parliamentary candidates. During the week of the

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parliamentary elections, the LTTE and the JVP murdered perhaps 225 persons, many of them at polling stations or on their way to and from voting. Despite these difficulties, 55 percent of the electorate turned out for the presidential election and 64 percent for parliamentary polls.

The Government invited international observer teams for both elections. The teams found both elections generally free and fair, given the prevailing conditions. However, the leading opposition presidential candidate challenged the results of the presidential election in a petition to the Supreme Court. She alleged that the prevailing violence, as well as government-sponsored coercion and vote fraud, unfairly influenced the outcome. Her case was still pending at the end of 1989.

Although members of each ethnic community can be found in many of the political parties, the most influential political parties generally draw their support from one ethnic community. The UNP and the Sri Lanka Freedom Party (SLFP), dominant in the Sinhalese electorate, historically have alternated rule. That pattern changed in 1982, when, following the victory of UNP incumbent President Jayewardene, the Government held a referendum to extend the life of the 1977 Parliament by 6 years. Restrictions were imposed on the activities of opposition political parties during the referendum campaign. Numerous voting irregularities were reported by the elections commissioner. The extension was approved by 54.5 percent of the voters.

In 1988 and 1989, several formerly militant Tamil groups that had accepted the Accord emerged as representative political parties in the northeast. They effectively replaced the Tamil United Liberation Front, which until 1988 had claimed to speak for the Ceylon Tamils, for centuries the majority population in the northeast. The political wing of the Eelam Revolutionary Organization of Students (EROS), the Eelavar Democratic Front (EDF), won 13 seats in Parliament to become the third largest party in Parliament and the largest parliamentary party in the northeast.

Indian Tamils, who make up about one-third of the country's Tamil population, live primarily in the central hill country and have been only minimally involved in the ethnic conflict. They are represented by the Ceylon Workers Congress (CWC), which is also a trade union. The CWC is allied to the ruling UNP.

Opposition parties function freely. Several operate their own newspapers. The JVP was granted legal status as a political party in May 1988. This ended an official proscription of the party imposed in 1983. The Government repeatedly invited the JVP to discuss its differences at the conference table and often appealed to the group to forswear violence and join the democratic process. The JVP responded to none of these appeals and continued its violent terrorist activity. In September the Government called for an all-party congress to deal with the country's political difficulties. The JVP refused to take part.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to criticism of human rights in Sri Lanka. Senior government officials have made themselves available to visitors looking into human rights issues. In October, 6 years after the ICRC had first offered its services to the Sri Lankan Government, the Government invited an ICRC team to visit Sri Lanka to extend humanitarian services. In November the team began visiting places of detention to interview JVP suspects. In the north, however, the IPKF reportedly denied the ICRC access to prisoners held by Indian troops. The Government continues to respond to questions on human rights practices put by the United Nations Human Rights Commission.

In its May 1989 report, covering 1988 and early 1989, AI noted that it had last visited Sri Lanka in 1982 and that numerous requests, the latest in January 1989, to the Government to permit another visit had gone unanswered. The Government says that it draws a distinction between "impartial" international organizations such as the ICRC and private groups such as AI. The Government has further said that it does not plan to invite AI to the country.

Several local nongovernmental organizations monitor human rights, including the Civil Rights Movement and the Movement for Interracial Justice and Equality. They collect information from families of victims or members of citizens' committees near the site of alleged incidents. The Government generally does not address their periodic reports and appeals. A new human rights organization, the Parliamentarians for Fundamental and Human Rights, with membership drawn from the ranks of the country's 100 opposition members of Parliament, was formed in 1989. It has invited ruling party parliamentarians to join it and participate in its activities.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Under British colonial administration prior to 1948, Ceylon Tamils held a larger percentage of influential positions in government service, the police, the professions, and commerce than the percentage of Tamils overall in the population. With independence, Sinhalese political leaders sought to redress what they regarded as an imbalance in favor of Ceylon Tamils. Typical of their efforts was the "Sinhala-Only" Act of 1956 which made Sinhala the sole official language of the country. Many Tamils considered the Act discriminatory, claiming that it granted native Sinhala speakers unfair advantage in education and in the workplace.

In the 1978 Constitution, Tamil was designated a "national" language and its use in government, education, and the courts was specifically protected. Nevertheless, Tamils have charged that this legal protection is not enforced. Tamils complain that they suffer from systematic discrimination in competition for university entrance, employment opportunities, and other matters under government control. Government officials have denied these charges. They point out that prominent Tamils occupy senior-level civil service positions. Many of these Tamils are approaching retirement age, however, and there are few Tamils in the lower ranks of the civil service and

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military to take their places. Under the Constitution's 13th Amendment, enacted in November 1988 to implement the terms of the Indo-Sri Lanka Accord, Tamil and Sinhalese were made co-official languages and English the "link" language. However, one observer estimates that 98 percent of the schools are segregated by language.

Indian Tamils, descendants of Tamils brought from India in the 19th century to work on plantations, have suffered particular discrimination. No longer qualifying for citizenship under Indian law, they were also denied Sri Lankan citizenship by laws adopted after independence. Since then, the Sri Lankan and Indian Governments have reached several agreements aimed at resolving the problem of these stateless Tamils. Under a 1986 agreement, the Sri Lankan Government agreed to grant citizenship to all remaining stateless Tamils. In November 1988, the Government eliminated processing delays by passing a law making extension of citizenship to these stateless persons automatic upon simple request. The new legislation did not cover some 94,000 Tamils who themselves or whose parents once applied for Indian citizenship but who now wish to stay in Sri Lanka. These will be compelled to leave Sri Lanka, presumably for India. None, however, were forced to leave in 1989.

The Government established a commission for the elimination of discrimination and the monitoring of fundamental rights late in 1986. Charged with investigating individual complaints on the basis of race, religion, language, caste, sex, political opinion, or place of birth, the commission resolved 1,379 complaints, some with many grievants, in the first 9 months of 1989. Many of these complaints were related to the workplace.

Sri Lankan women have equal rights under the law, including equal property and inheritance rights. However, various ethnic and religious groups have their own strictures which place limitations on women. Some Tamil families believe their women members should not be seen working in public. Some Muslim women are discouraged by members of their community from seeking higher education or employment. Women do fill important posts in the civil service, the professions, and business, but most are found either in manual and semiskilled jobs or in the home. In 1985, the last year for which figures are available, women employed in agricultural work were paid on average 71 percent of the hourly wage received by men.

Violence against women is known to occur in Sri Lanka, but little is known about its extent. There are no official statistics on the subject. Abuse within the family is seldom reported or discussed publicly owing to the respect accorded personal privacy. Perpetrators of violence against women may be prosecuted under the criminal code, but many women are reluctant to pursue charges against family members. There are infrequent reports of rape, wife beating and murder of wives by husbands.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of assembly and association and the right to form and join trade unions. Any seven workers may form a union, draw up their own procedures, elect their own representatives, and formulate programs. Worker rights, including the right to choose representatives, publicize views, and determine programs, are protected by

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law. Unions are free to affiliate internationally, and different Sri Lankan trade union federations are affiliates of all three major international trade union organizations.

Public servants have no right to strike and are not provided arbitration machinery. Aggrieved public servants may appeal to a Public Service Commission for relief. However, union activists and labor lawyers claim that the Commission is biased against employees. Other workers are free to strike and have done so frequently. Under the Essential Services Act, the President may declare any business to be an essential service, making a strike illegal. President Premadasa used this power extensively during the year to counter the violent efforts of the JVP to cripple essential services and overthrow the Government. The JVP targeted union leaders, especially those of government-affiliated unions, murdering more than 200 of them since 1987 in its effort to enforce involuntary strikes.

About 1,000 labor unions and federations together represent about one-third of the 5.5 million-strong labor force. Although there are a few independent unions, most large worker organizations are affiliated with political parties and play a significant role in the political process.

b. The Right to Organize and Bargain Collectively

Workers are expressly granted the right to bargain collectively by formation of workers' councils to promote a voluntary worker-employer dialog. Workers who believe that this right has been abridged may lodge complaints with the Commissioner of Labor, the Labor Tribunal, or the Supreme Court. Department of Labor officers may arbitrate when workers and employers are not able to resolve a dispute. These officers are stationed throughout the country to assure that employers fulfill their legal and contractual obligations to workers and to be available for mediation in minor local disputes. A 1989 report by an International Labor Organization (ILO) Committee of Experts (COE) called on the Government to provide information on measures taken to guarantee adequate protection against antiunion discrimination.

Workers in the nonplantation agricultural sector and most of those employed in small businesses, as well as workers in the free trade zones, are not represented by unions. Unionization in the zones is not prohibited by law but is, according to employers and union leaders, discouraged in practice by employers and the Government, the latter by restricting access to the zones by union organizers. Zone employees participate in labor-management company associations. Workers in the unorganized agricultural sector are not covered by labor laws, although the Government may investigate individual complaints.

c. Prohibition of Forced or Compulsory Labor

While not prohibited by law, there is no forced labor in Sri Lanka. As noted in Section 1.f., India's Tamil militant allies have forcibly conscripted young Tamil men in the northeast to provide manpower for the defense of Tamil-majority areas.

d. Minimum Age for Employment of Children

Employment of children under age 12 is prohibited. Those between ages 12 and 14 are called child workers and may not be

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employed in industry or dangerous occupations. Employment of young persons between 15 and 18 is subject to certain restrictions. Employees under age 18 cannot be required to work outside specified hours. In addition, employers are required to provide young workers with annual leave, rest periods, and meal breaks similar to those provided to adult workers. There is no compulsory education law.

In practice, however, there is a work force of children, probably numbering at least several thousand, who work illegally, mostly at jobs in rice cultivation, as domestics, or as street peddlers. Efforts to address this problem have been hampered by the fact that in some cases child workers are a major source of family income.

e. Acceptable Conditions of Work

There is no national minimum wage, but wage boards for 37 different trades set minimum wages and working conditions. For example, the minimum wage for nurses, bus drivers, and garment workers is about \$25 per month. Actual wages and working conditions generally exceed these minimums, which many union leaders consider insufficient for maintaining a decent standard of living. A 1989 report by the ILO's COE called on the Government to maintain its minimum wage machinery in operation. Several Sri Lankan unions had filed a complaint under ILO Convention 131 that a motion of the Wage Board for an increase in the cost of living for plantation workers was denied by the Government until export conditions and internal conditions stabilized. Most permanent full-time workers are covered by laws which provide that they shall work no more than 45 hours per week and that they will receive a 14-day paid annual holiday.

Minimum conditions for the protection of the safety and health of workers are set forth in legislation passed by Parliament and implemented by the Department of Labor, which employs a small staff of engineers and inspectors for this purpose. Fines up to \$150 may be levied on employers who fail to meet minimum standards. The Department of Labor educates workers about minimum standards for different workplaces and encourages the use of safety equipment such as earplugs and safety guards. Union leaders allege that government enforcement of health and safety standards is poor.

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Syria is ruled by an authoritarian regime which does not hesitate to use force when it is threatened. The President wields almost absolute authority. Key decisions regarding foreign policy, national security, and the economy are made by the President and his key advisers, and are often ratified by the Parliament. There are regular elections to the Parliament, but it wields no independent authority. All three branches of government are highly influenced by the views of the Ba'ath Party, whose primacy in the State is assured by the Constitution. Independent, nonsanctioned political opposition is forcibly repressed. However, a certain amount of regional autonomy is exercised by local administrative councils.

The ruling Ba'ath Party, which emphasizes socialism and secular Arabism, gained ascendancy in 1963. It has become dominated by the military, which consumes a large share of Syria's scarce economic resources. In recent years, the party has served principally to legitimize President Asad's rule. Although Ba'ath Party doctrine seeks to overcome sectarian and class consciousness by building a sense of national rather than ethnic identity, ethnic, religious, and regional allegiances remain important. Members of President Asad's own sect, the Alawis, hold most of the important military and security positions.

Except for a hiatus in 1973-74, Syria has been under emergency powers since 1963. The Government has justified martial law by the state of war with Israel and continuing threats posed by terrorist groups (Islamic fundamentalist, Iraqi, and Lebanese). The Muslim Brotherhood was until 1982 the greatest internal threat to the regime. This group of Sunni Muslim fundamentalists openly challenged the secular Ba'athist Alawi-dominated regime from the late 1970's until its brutal suppression in 1982. The League for Communist Action is another clandestine opposition group. Public manifestation of antiregime activity, however, remains very limited, and there were no reports of large-scale arrests in 1989.

The central Government maintains an extensive security apparatus. The several main branches of the security services operate independently of each other and outside the normal legal system; each is suspected of human rights violations. The regime justifies the activities of the security services because of the continuing state of emergency declared on the basis of the state of war with Israel.

Syria has a state socialist economy and has nationalized most major enterprises. The regime has followed economic policies designed to correct previous regional and class disparities. There is a small but vigorous private sector which is expanding, and most agricultural land is privately owned. The economy is plagued by stagnation, and real growth essentially has been flat, with 1988 gross domestic product roughly equivalent to that in 1982.

There was little change in the overall human rights situation in 1989. However, Syria did respond for the first time to a United Nations inquiry about its human rights practices, and the Syrian press reported that a visiting Amnesty International (AI) delegation met with Vice President Khaddam in June. The Government also responded positively to specific requests from the U.S. Government about the status of Syrian Jews. However, Syria remains effectively under the rule of an authoritarian regime, and there were no signs of progress

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towards a freer political system or a greater respect for individual human rights. Human rights abuses, including torture, denial of the freedoms of speech, press, association, and the right of citizens to change their government continued to characterize the regime's record in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Executions for political beliefs in Syria are typically a reaction to perceived subversion or direct and violent threats to the regime. There were no reports of executions for political beliefs in 1989, but at least two deaths due to mistreatment while in custody were reported by AI in 1988.

b. Disappearance

There have been credible reports in the past that some Syrians arrested for security reasons have disappeared. There were, however, no such reports in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the penal code prohibits torture and establishes severe penalties for it, there continue to be numerous reports of torture, primarily during arrest and interrogation in political or security-related cases.

In its 1989 Report, covering the year 1988, Amnesty International (AI) noted that the torture and ill-treatment of prisoners, including minors, continued to be widely reported and appeared to be routine. It cited cases in which prisoners were reportedly beaten--resulting in some cases in serious injury--and, in one case, subjected to electric shock. The report noted that 3 of the 10 members of the Jewish community arrested since 1987 on charges of illegal travel reportedly were tortured while in detention. Security forces often will arrest family members of a fugitive and detain or torture them until the fugitive surrenders to authorities. There was at least one report in 1989 of the arraignment of officials who engaged in such practices in 1989, but no evidence of a concerted government attempt to end such practices.

No international groups are allowed access to security detention facilities. Families are usually not allowed to visit security prisons.

d. Arbitrary Arrest, Detention, or Exile

While the civil law code, modeled after French law, generally provides for due process, it is almost totally lacking in provisions covering security or political offenses. Under the state of emergency law, normal safeguards can be suspended, especially in security and political cases, and a person may be held indefinitely without charge or trial; arrested secretly, with no legal restraints; and denied the right to a judicial determination of the basis for pretrial detention. The accused has no redress for false arrest and cannot be contacted by family or friends, who most often do not know where the accused is being held. Many "disappeared" persons

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are believed to be alive and held by the security forces. Frequently, the detained individual is released without ever being charged. There are no reliable estimates of the number of persons detained without trial. Exile, sometimes voluntary, is occasionally used to rid the regime of troubling elements.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Syrian court system, based upon French law, is comprised of separate civil courts (rents, contracts, etc); penal or criminal courts, whose jurisdiction includes economic crimes; religious courts; military courts; security courts; and constitutional courts.

Civil and penal cases are under the jurisdiction of the Minister of Justice. The defendant in a criminal case is detained provisionally upon the accusation of the public prosecutor, then remanded to a judge for arraignment. The judge may either free the defendant on the basis of insufficient evidence or refer the case to a criminal court. Defendants are entitled to legal representation of their choice; if they cannot afford a lawyer, one will be appointed by the court. Civil and penal courts impose no restrictions on lawyers in representing their clients, and allow the right of appeal. They also provide for a bond guarantee of a usually moderate sum. In noncontroversial criminal cases, civil courts are usually free of governmental coercion, although the Government can bring pressure to bear if it wishes to do so. The slow and cumbersome legal system can leave suspects languishing in prison for months.

Defendants in criminal cases are presumed innocent until proven guilty. Defendants are allowed to present evidence and confront their accusers. Trials are public except for cases involving juveniles and crimes which may impact negatively on moral sensitivity, such as rape. Cases are tried before a judge; there is no jury system.

There were fewer reports of arrests for "economic" crimes in 1989. Rather, a number of those arrested earlier for currency violations were released from jail, and economic liberalization measures have made it easier for private businessmen to operate without resort to illegal currency markets, although it is still technically illegal for a private Syrian to hold foreign exchange, unless generated by private exports.

Persons charged with security or political offenses fall under the jurisdiction of the State Security Court. Such persons have no say in the selection of a lawyer, who is chosen by the court. All court sessions are closed, and there are no official channels for obtaining information on the trial or sentencing, although relatives with influence in the Government ultimately may succeed in obtaining information and even effecting the release of the accused.

There is also a Higher Court, under the authority of the Prime Minister, which reviews issues related to the legality of government contracts and other government-private sector issues.

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The Government does not release information on the number of persons detained for political or security offenses, but with detentions dating back to 1970, the number is probably significant. Between February and May 1988, unconfirmed reports indicate that up to 1,200 citizens associated with the Muslim Brotherhood or the League of Communist Action may have been arrested. There were no reports of politically motivated arrests in 1989.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Domestic intelligence organizations maintain a network of guards to protect officials and important buildings, as well as to monitor the activity of people living in those neighborhoods. Some telephone conversations are almost certainly recorded. The presence of police and security officials is pervasive, especially in Damascus.

The postal system censors the mail, including foreign publications, selectively. Although the legal system provides safeguards, including the requirement of an arrest or search warrant before police are allowed to enter private homes, regulations under the state of emergency suspend these protections in security-related cases.

Security checkpoints can be set up anywhere, and no warrant for search or arrest is required. Security forces are mostly concerned with suspected subversives, but also search for smuggled goods. There were few reports of checkpoints having been set up during 1989, except at the border with Lebanon.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public criticism of the President is not permitted, and criticism of the Government and the Ba'ath Party is effectively discouraged. The Government or the Ba'ath Party wholly own and operate all broadcast media and publishing houses and strictly control the dissemination of all information.

Censorship of foreign and domestic news is exercised through offices in the Ministries of Information and of Culture and National Guidance. Any subject deemed sensitive to Syrian government interests will not appear in the press or in daily broadcasts. In 1989 this censorship included certain decisions of the Palestine Liberation Organization (PLO) and civil unrest in the Soviet Union, Eastern Europe, and China prior to the release of such reports by the Soviet press agency TASS. However, radio and television broadcasts from neighboring countries, including Israel, are not jammed, and reports not carried in Syrian media are generally well known.

Newspapers provide no medium for political opposition. Criticism of government policies or their operations is limited to economic issues, minor administrative failings, and domestic corruption, and even this criticism is usually orchestrated from above. However, there is almost daily criticism of problems in the economy. Officials above the middle rank are rarely criticized.

Imported printed material and films are subject to censorship. Articles critical of Syria or Syria's role in

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Lebanon are occasionally completely deleted from foreign magazines and newspapers before distribution. Fictional and nonfictional literature is censored by the Union of Arab Writers if it is considered overly critical of Syria, offensive to one of Syria's religious groups, or too graphically discusses sex. Films are often censored for a variety of reasons, such as unfavorable interpretation of the Middle East conflict, sectarianism, or the use of actors or production companies targeted by the Arab boycott. Control is much stricter on materials in Arabic.

Schools at all levels are government operated. Private primary and secondary schools run by minority religious groups are required to follow the Ministry of Education curriculum and are subject to regular inspection. One hour of the school day is devoted to instruction on Syrian patriotism. Teachers are not permitted to express ideas contrary to government policy, although more freedom of expression is tolerated at the university level.

b. Freedom of Peaceful Assembly and Association

Public meetings, assemblies, or demonstrations may be held only with official permission, and usually at the instigation of the Government or the Ba'ath Party. Private societies, including religious groups, are allowed to meet if they have received governmental permission to organize. While usually granted, such permission authorizes only nonpolitical activities.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although nearly two-thirds of the Syrians are Sunni Muslim, the Constitution does not establish a state religion. As a concession to Islamic fundamentalists, who object to Ba'athi secularism, the 1973 Constitution requires that the President be Muslim. Otherwise, there is no official preference given to one religion over another, and all major Christian and Muslim holidays are officially observed by the Government. Many key positions in the Government are controlled by members of the minority Alawi sect (at least 10-12 percent of the population), which is considered heretical by many Sunni Muslims.

Ba'athi secular ideology and modernizing influences have had some impact in diminishing the primacy of religion and ethnicity, but individual Syrians continue to identify themselves by their communal associations.

With few exceptions (noted below), all religious groups, Muslim and non-Muslim, including Syria's 3,800 Jews, have the freedom to practice their different religions. However, fund-raising, construction, and the holding of all meetings except for worship are tightly restricted and sometimes banned. Religious training is permitted within the curriculum for Jews and Christians in Jewish and Armenian schools, among others. Non-Muslim groups may maintain links with Muslim and coreligionists outside Syria.

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One exception to the official policy of religious tolerance is the treatment of Jehovah's Witnesses and Seventh-Day Adventists, who are forbidden to practice their religion or own church property.

Foreign missionaries are permitted to preach and practice. The publication of religious materials is subject to the same strict controls as secular material.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is restricted only in the security zone of the Golan Heights and near the borders with Lebanon, Jordan, and Iraq. All citizens wishing to travel abroad must acquire passports and exit visas. In theory, Syrians can travel to other Arab countries, except Iraq, on their identification cards alone, although in practice this applies only to Lebanon. Syrian women over the age of 18 are free to travel without the permission of a male relative. However, a husband may file a request with the Ministry of Interior to prevent his wife's departure from Syria.

In general, the Government prohibits foreign travel for persons liable for military service and for certain categories of professionals, such as pharmacists, architects, and engineers, trained at public expense, who have not fulfilled 5 years of government service. Under exceptional circumstances, however, persons in these groups may obtain passports valid for 3 months and limited for travel to specific countries. Students traveling abroad for higher education must obtain permission from the Foreign Ministry and, like all Syrians, are subject to recall by the Government. Persons caught trying to travel illegally are subject to fines and detention.

Palestinians living in Syria must also obtain an exit visa from Syrian authorities. Young Palestinians sometimes experience difficulties obtaining the requisite travel document.

Jews, particularly those with significant holdings and financial ties in Syria, have found it somewhat easier to travel abroad since the mid-1970's. With some exceptions, the Government continues its policy of not issuing passports and exit visas to all members of a Jewish family at the same time. In theory, any Syrian can be required to post a bond of between \$300 and \$1,000 which would be forfeited in the event of nonreturn. In reality, only Jews are routinely required to post such bonds. While Jewish emigration in general is frowned upon, the Syrian Government has stated that it looks positively at cases of family reunification and of unmarried Jewish women unable to find suitable husbands in the small Syrian Jewish community. The number of unmarried Jewish women allowed to emigrate jumped dramatically in the middle of 1989 following U.S.-Syrian discussions on this issue. Any Syrian citizen caught trying to emigrate or travel abroad without permission, or suspected of having visited Israel illegally, may be arrested and be subject to criminal prosecution. In late 1987 and 1988, 10 Jews were arrested on travel violations and sentenced to incarceration of up to 2 years. Three of these persons reportedly were tortured. Three remain in jail. There were no new arrests in 1989.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Syrians do not have the ability to change their government legally and peacefully. President Asad and his senior advisers maintain effective control over foreign policy, national security decisions, and key economic and social decisions. Although popular participation in presidential elections, held every 7 years, is provided for in the Constitution, Syrians have little say in the determination of their political leadership. Presidential decrees, issued when the Parliament is not in session, have the force of law and usually involve key domestic issues such as the raising of public sector wages and the prices of critical commodities. President Asad won the presidency for the third time in 1985 when, according to official sources, 99 percent of the population voted and 99 percent of those who cast ballots voted for Asad, who ran unopposed. A certain degree of regional autonomy is permitted as long as it does not challenge the central Government's authority. Major city centers, for example, exercise local administrative control. Certain ethnic and social groups, such as the Bedouin and people living in small villages, have little contact with the central Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government denies charges of human rights violations, often ignoring them or calling them an intrusion into its internal affairs. However, the Government responded to a 1988 U.N. Human Rights Commission (UNHRC) investigation of Syrian practices, based on a complaint by AI. The UNHRC eventually dismissed the case. AI officials visited Syria in June 1989 to attend an Arab lawyers' convention during which they met privately with Vice President Khaddam. The International Committee of the Red Cross has had only limited access to prisoners. No Syrian is willing publicly to criticize the Government for human rights actions.

In its Report covering 1988, AI noted that it had continued throughout the year to express concern to the Government about reports of arbitrary arrests, detention without trial of political suspects, torture and ill-treatment of detainees, and the imposition of the death penalty, but that the Government did not respond. It noted that the Government did react to an oral statement that AI made in February 1988, drawing the attention of the UNHRC to reports of the widespread and routine use of torture by the security forces and of deaths in custody of political detainees; the Government responded by expressing "regret" at the "exaggerated statement" and the "biased position" taken by AI. AI also noted that in April 1988 it had submitted information about its concerns to the U.N. and had sent a copy of its communications to the Syrian Government with an invitation to comment, but that no response had been received.

The Government frequently criticizes other countries, including Israel, Iraq, and South Africa, on human rights grounds in the U.N. and in other international bodies.

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Language, or Social Status

Membership in the Ba'ath Party, or being a close relative of a prominent Ba'ath Party member, is important to prospering in Syria. Party connections can pave the way for entrance into better elementary and secondary schools, access to more lucrative employment, and greater power in the Government. Religion is also a factor. Members of the Alawi sect often enjoy job preference. Jews are prohibited from joining the military.

The official state of war with Israel continues to influence the status of Syrian Jews, although the community's situation has improved in recent years. Today, the Jewish community enjoys a relatively high standard of living, access to higher education, and entrance into the professions. Jews are subject to some foreign travel restrictions (See Section 4.d.), however, and are the only minority whose passports and identity cards note their religion. Jews, like other citizens of Syria, are subject to the close purview of the intelligence services. As with all other Syrians, contact between Syrian Jews and Israelis is prohibited. Jews do not hold government jobs except for a few low-level positions as clerks and teachers.

Syria's Palestinian community numbers approximately 250,000 registered with the United Nations Relief Works Agency and consists predominantly of refugees from the 1948 and 1967 Arab-Israeli wars. Several thousand Lebanese and Palestinians also fled to Syria in 1982 following the Israeli invasion of Lebanon. Palestinians are officially considered to be temporary residents pending the resolution of the Arab-Israeli conflict.

Under Syrian law, resident Palestinians enjoy equal access to employment, social services, and education. In addition, Palestinian organizations sanctioned by the Government operate social institutions within their community. Palestinians may choose their place of residence and occupation, and the majority participate fully in the local economy. With government permission, they may own more than one building or plot of land.

The Government allows the operation of those Palestinian political groups that espouse the officially sanctioned position against Yasir Arafat's policies, although their activities are carefully circumscribed. Palestinians may not vote in Syrian elections or acquire Syrian citizenship except through marriage to a Syrian male citizen. Although they currently occupy several senior positions in the bureaucracy, Palestinians are unofficially barred from the highest echelons of the Government.

The Constitution guarantees the equal rights of women and calls for the elimination of all obstacles to women's development. Historically, Syrian women have benefited from government policies, including equal pay for work of equal value.

Syrian women are active in both the public and private sector. According to official statistics, 43 percent of all women are literate, compared to a national average of 49 percent. The Government encourages women's enrollment at all levels of education, and large numbers of women attend

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universities. Government laws provide up to 3 1/2 months' paid maternity leave and ensure that a woman may return to her previous job. Moreover, all establishments of over 100 employees must provide child-care facilities. The National Women's Union, founded in 1967, pursues many of the issues facing women and seeks to protect rights already won as well as to strengthen the position of women. It is currently considering a legislative proposal which would extend a mother's custody of children to the age of 15 or 16 in divorce cases (instead of the current age of 9 for boys and 11 for girls) and is actively seeking to eradicate illiteracy among adult women.

Privately, traditional concepts of male guardianship of women continue to run against official policies. Particularly among Muslims, these concepts often limit a woman's rights in matters of marriage, divorce, child custody, inheritance, and personal decisions.

Wife beating and other physical abuse of women is known to occur, but conservative social mores in Syrian society discourage public discussion of the issue, and it is therefore difficult to estimate the extent of the problem. The Government is not known to produce official statistics on domestic abuse. Under the Syrian legal system women have access through the courts to redress any grievance caused by violent acts against them, but many cases of domestic abuse are not pursued because of the social stigma that is attached to legal proceedings in such cases.

Section 6 Worker Rights

a. The Right of Association

The Government uses the Syrian General Federation of Trade Unions (GFTU) as its framework for controlling nearly all aspects of union activity. Workers are not free to form labor unions independent of the government-prescribed structure. While unions are used to transmit instructions and information to the labor force from the Syrian leadership, there are indications that elected union leaders, as members of the Ba'ath Party, also act as a conduit through which workers' dissatisfaction is transmitted to the leadership. By law at least 51 percent of the elected members of Parliament must be workers or peasants. While strikes are not prohibited under Syrian law (except in the agricultural sector), in practice they are effectively discouraged. There were no reports of strikes in 1989.

The GFTU is affiliated with the International Confederation of Arab Trade Unions and the Communist-controlled World Federation of Trade Unions.

The 1973 Constitution affirmed the right to form trade unions. Syrian labor unions are organized sectorally and at local, provincial, and national levels. Under Syrian labor law, any group of 50 or more workers in a particular profession or sector may form a guild committee. These local committees may join to form a provincial union. The provincial unions may join with others in the same profession to form a national syndicate or union. Officials at all levels are elected through secret ballot, and the provincial unions reportedly are financially independent of the national syndicate.

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However, the Committee of Experts (COE) of the International Labor Organization (ILO) has observed that only one trade union can be set up for the same occupation within the same province, and that the unions in a province can only group themselves into one provincial federation of workers, and all can group themselves into the GFTU. The COE has also noted that the GFTU has the exclusive power to determine which unions may be constituted and the right to dissolve the management committee of any trade union. Also, trade unions have a legal obligation to allocate a certain percentage of their income to the higher trade union bodies, and the Government enjoys wide powers of intervention in trade union finances.

According to the Government, there are 198 national unions in Syria which are part of the GFTU structure, and 9 professional unions. The Government maintains that while it is not illegal to set up competitive unions, the unions which belong to the GFTU chose voluntarily to do so because it most effectively advances workers' interests. GFTU officials also note that Syrian unions first developed during the 1920's and the GFTU was formed in the 1930's, long before the advent of the Arab Socialist Ba'ath Party or the Asad Government, so that Syrian legislation recognizing a single trade union system merely codifies existing practice which reflects the will of Syrian workers. The GFTU is charged with providing opinions on legislation, devising rules for workers and labor, and organizing labor. The elected President of the GFTU is a senior member of the ruling Ba'ath Party and a member of the Regional Command and, along with his deputy, participates in all Cabinet sessions. The secretaries general of the nine nonaffiliated associations, some of whom are not Ba'ath Party members, are also elected officials.

The COE in its 1987 and 1988 reports concluded that the GFTU structure amounted to a legally mandated system of trade union unity. Other observations of the COE had to do with restrictions on the right of foreign workers to join or form trade unions of their own choosing; the interference of public authorities in trade union administration; and the prohibition of strikes in the agricultural sector. In its 1989 report, the COE once again raised these issues, noting that the Syrian Government had established a working group including worker and employer representatives to examine the COE's comments.

b. The Right to Organize and Bargain Collectively

In the public sector unions do not normally bargain collectively on wage issues, but there is some evidence that union representatives participate with the representatives of the respective employer and ministry in establishing sectoral minimum wages. The Government has cited 10 specific examples of such sectoral collective bargaining agreements. In a country whose major industries are publicly held, workers make up the majority of each board of directors and always include union representation on those boards. They also monitor and enforce compliance with the labor law. In the private sector, unions are active in monitoring compliance with the laws and ensuring workers' health and safety. The unions, under the law, can undertake negotiations for collective contracts with employers, but there is no information available on whether such contracts envision that unions can also sue and be represented in court.

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c. Prohibition of Forced or Compulsory Labor

There is no law in Syria banning forced or compulsory labor. There are a few instances in which such punishment can be imposed as punishment, usually in connection with prison sentences for criminal offenses. Article 35 of the Constitution states that it is the right and duty of every citizen to work and it is a criminal offense for a government employee to resign his position without the permission of the relevant Minister..

d. Minimum Age for Employment of Children

The minimum employment age in the predominant public sector is 14, though it is higher in certain industries. The minimum age varies more widely in the private sector; the absolute minimum age is 12, while parental permission is required for children under age 16 to work. Children are forbidden to work at night. The Ministry of Social Affairs and Labor is responsible for enforcing minimum age requirements, but the number of labor investigators is small, and violation of the law may be extensive.

e. Acceptable Conditions of Work

The Government provides minimum and maximum wage limits in the public sector. Salaries are set on a monthly scale. In 1989 the President issued a decree raising public sector salaries by 25 percent while at the same time allowing the price of gasoline and some other commodities to increase by 50 percent. Two months later, following discussions among labor unions and employers, the Minister of Social Affairs and Labor announced that salaries in the private sector would also be raised by 25 percent. The lowest salary scale for an entry position, with no experience or credentials and involving no physical labor, is approximately \$118 per month at the official rate of exchange. The highest public sector starting salary is approximately \$235 per month for someone with a Ph.D. degree. Neither of these rates alone is sufficient to provide a decent standard of living. As a result, many workers take additional jobs or rely on extended families for support.

There is no fixed minimum wage in the private sector for permanent employees. However, the monthly minimum would not be less, in practice, than that in the public sector. According to the 1959 labor law, minimum wage levels in the private sector are set by sector and are fixed by the Minister of Social Affairs and Labor. Recommendations are put to him by a committee, formed by a representative of the Ministry of Industry or Economy and Commerce plus a representative of the employers' and of the employees' union.

Syrian labor law extensively regulates conditions of work. This includes rules and regulations which severely limit the ability of an employer to fire an employee without due cause, an issue which the employee may take to a labor committee, composed of a representative of the municipality, a judge, the Ministry of Social Affairs and Labor, the union, and the employer. In the majority of cases, such labor committees have decided in favor of the employee. Workers, once hired, cannot easily be fired. One exception in the heavily regulated labor field relates to day laborers. They are not subject to minimum wage regulations and receive compensation only for job-related injuries. They are commonly employed in

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small private firms and businesses in order to avoid the costs of permanent employees who are well protected, even against firing.

The workweek consists of six 6-hour days, although in certain fields in which workers are not continuously busy, a 9-hour day is permitted. Labor laws also mandate a full 24-hour rest day per week. Employees are guaranteed 15 days of paid leave per year during the first 5 years, rising to 30 days per year for persons over age 50 or with 20 years employment. Employers are required to provide limited medical care, and establishments with more than 100 employees must hire a nurse and offer access to a physician when necessary.

Public laws mandate safety standards in all sectors, although actual enforcement depends on managers and may therefore vary. The Ministry of Social Affairs and Labor has a small Office of Health and Safety which seeks to inspect and correct unhealthy and unsafe conditions in the workplace. In addition, a worker may also file suit against his employer, charging that the unhealthy conditions are threatening his job. The Government provides disability insurance for job-related injuries. Guest workers theoretically receive the same benefits, but are often reluctant to press claims because workers' permits may be withdrawn at any time. Moreover, many work illegally and are not covered by the government system.

There is no information currently available regarding Syrian labor practices inside Syrian free-trade zones.

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Tunisia is a republic in which the President and his party dominate decisionmaking at all levels. The President appoints the Prime Minister, the Cabinet, and all 23 governors. The elected Chamber of Deputies has limited power. President Zine El Abidine Ben Ali was unopposed in April 1989 elections which, at the request of the opposition, he had advanced from 1991. His ruling Constitutional Democratic Party (RCD) won all seats in the Chamber of Deputies after a leading opposition party rejected a government-proposed common voting list which would have given the opposition some seats. The results were influenced by a winner-take-all voting system, the inability of many voters to register, and heavy-handed RCD tactics. Moreover, although Islamist candidates running as independents averaged 18 percent of the vote wherever they ran, the Islamist party An Nahda continued to be denied legal status. Following the elections, President Ben Ali appointed some leading opposition figures to his Cabinet.

Tunisia's internal security is maintained by civilian services, backed by armed forces in times of crisis. Since President Ben Ali assumed power in 1987, these services have generally avoided repressive measures, but reports of police harassment and arrests of some opposition activists following the April elections suggested a trend toward tighter control, especially of the activities of unrecognized parties.

The Government continued to implement structural adjustment of the economy. In addition to easing requirements for investment and liberalizing trade, the Government reduced the subsidy on staple foods, including bread, by raising prices an average of 17 percent. Exports increased despite a decline in petroleum production, and imports of capital goods and raw materials also rose. However, the agricultural sector continued to suffer the effects of drought: the Government estimated that 50,000 agricultural jobs had been lost because of the drought, exacerbating already serious unemployment.

There were both human rights advances and setbacks in 1989. The Government legalized several new associations, including the independent Democratic Womens' Association, and lifted restrictions which had prevented the free functioning of trade unions. By pardoning all prisoners who had participated in the plot by Islamist radicals to overthrow ex-president Bourguiba, President Ben Ali emptied the prisons of virtually all political prisoners. The President also initiated a general amnesty which theoretically should restore civil and political rights to about 5,500 ex-prisoners. Among areas of continuing concern were freedom of speech and press, freedom of assembly and association, and the right of citizens to change their government. Some Islamists claimed to have lost their jobs or to have suffered other forms of harassment.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of such killings in 1989.

b. Disappearance

There were no reports of disappearance in 1989.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite Tunisia's ratification of the U.N. Convention on Torture in 1988, there were isolated reports of torture in 1989. On June 6, five Islamists were arrested in Tunis, and three were tortured. Interior Ministry officials told the Tunisian Human Rights League that the torture had been committed by irresponsible subordinates. No disciplinary action is known to have been taken against those responsible. According to Amnesty International (AI), one detainee from the 1987 coup plot, who was released in May, is unable to walk as the result of injuries suffered during his detention of 16 months. Through the summer and fall of 1989, the Human Rights League continued to receive reports of other maltreatment from around the country, apparently aimed for the most part at those who demonstrated support for opposition parties in the April elections. The League reported that 2 of the 6 members of the illegal Communist Workers Party (POCT) arrested for dissemination of political tracts were severely beaten and suffered sleep deprivation during their detention. There were also reports of the abuse of nonpolitical prisoners.

d. Arbitrary Arrest, Detention, or Exile

There were no reported cases of arbitrary arrest, detention, or exile, and President Ben Ali released 72 prisoners detained without trial as conspirators in the 1987 coup plot.

Under Tunisian law, arrests can be made without a warrant. Under a law adopted in 1987, prearrestment detention is limited to between 4 and 10 days. The accused is told the grounds for the arrest and is then questioned. A detainee may request an examination by a medical doctor but may otherwise be held incommunicado. During prearrestment detention, detainees do not have the right to a lawyer, but they have the right to a lawyer at their arraignment, and the Government provides legal assistance to indigent detainees. Pretrial detention is limited to 6 months, renewable by an arraignment judge for up to two additional 6-month periods in the case of felony indictments.

Exile was not used as a means of political control in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Tunisia's court system is highly centralized under the Justice Ministry. Trials are open to the public, and both domestic and foreign observers are able to attend. No secret trials were known to have been held in 1989. Having abolished both the position of General Prosecutor of the Republic and the State Security Court in 1987, President Ben Ali has also advocated a more independent judiciary. However, the executive branch's discretion in naming, assigning, and granting tenure to judges makes them susceptible to pressure. Human rights activists advocate a reduction in executive branch control in order to establish more judicial independence.

In September the passport of Bechir Essid, Secretary General of the unrecognized pro-Libyan Arab Nationalist Party, was confiscated, and he was subsequently arrested for defamation

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of the President. Essid's trial was postponed in late September when Essid began a hunger strike.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the person as well as the inviolability of the home and privacy in correspondence, "except in exceptional cases defined by law." Police must have a search warrant, but this requirement is often ignored in cases concerning state security.

In 1989 the Government again stepped up surveillance of opposition groups. This policy seemed directed especially at those identified as Islamist (those who believe that Islam should be the point of reference for the political, economic, and social structures of their country). The Human Rights League reported that the home of a member of the Islamist movement's An Nahda Party, who also serves in the League, was broken into and his papers confiscated. An Nahda members claimed that Interior Ministry personnel kept their homes under surveillance. Prisoners who were detained but never tried for participation in the 1987 coup plot asserted that their houses remained under surveillance and that their families and friends continued to be harassed. Some opposition party members claimed that their telephones were tapped. There were also numerous reports of mail being opened, including the mail of human rights activists. Islamist attorneys claimed that their clients were being stopped and interviewed by plainclothesmen at the entrances to their offices, and that local ruling party officials interfered with their businesses, causing them financial hardship. Visitors to the homes of Islamists reported that police recorded their license plate numbers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Tunisians discuss politics in private with relative freedom, both among themselves and with foreigners. However, in August Jalloul Azzouna, a professor who attempted to establish a rival leadership to the legal Popular Unity Party (PUP), was sentenced to a year in prison for defaming the Head of State and publishing communiques without authorization. He was released under a presidential pardon in November. His lawyer, Radhia Nasraoui of the illegal Communist Workers Party (POCT), was herself charged with defamation based on her defense statements during Azzouna's trial. She was released on bail, pending trial.

The press continues to operate under the relatively severe press code adopted in 1988, which requires the printer to deposit copies with the Information, Interior, and Justice Ministries of all newspapers and other publications prepared in Tunisia. Political tracts must also be submitted for approval, and the Tunisian press reported in October that an Interior Ministry circular orders the arrest of those who possess or circulate illegal tracts. Since 1988 suspensions of publications have normally required the approval of a judge, and they may apply only to a single issue of a newspaper or magazine. The Interior Ministry can order the seizure of all copies of a single issue of a journal from the newsstands if the Ministry considers that the issue will be "of a kind to disturb public order." The ruling on a

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publication must be made within 3 days from the time it is submitted. Apart from official censorship, this system leads to a great deal of self-censorship on the part of publications.

The Tunisian press offers a wide range of publications in Arabic and French. Foreign newspapers are available. However, citing a lack of funds, all four of Tunisia's legal opposition party newspapers ceased publication after the April elections. These included those of the Communist Party (PCT), the Movement of Social Democrats (MDS), the Socialist Progressive Rally (RSP) and the Popular Unity Party (PUP). The MDS and PUP subsequently announced that they would resume publication of their newspapers, and the MDS paper El Mostaqbal has reappeared. After a brief reappearance, the independent paper Le Phare also ceased publication because of financial problems. However, Tunisia's labor federation, the General Union of Tunisian Workers (UGTT), resumed publication of its newspaper Ash Sha'ab.

The Government seized no newspapers or magazines in 1989. Distribution of the September 29 issue of the independent weekly Le Maghreb was slightly delayed, ostensibly because of problems with the printing press used by Le Maghreb. The press is owned by the ruling party. The issue appeared with a section of an article on a government meeting with An Nahda blanked out. Journalists stated that the blanked-out section listed the names of those people who had attended the meeting and that the names were deleted owing to government intervention.

Islamist and leftist materials such as books, pamphlets, and tapes are available at bookstores throughout Tunisia. Although the Mufti (official religious leader) of Tunisia condemned Salman Rushdie's novel "Satanic Verses", several independent periodicals criticized the death sentence pronounced on Rushdie by the Government of Iran.

The State controls Tunisian television, and its coverage of the Government is highly favorable. In October several opposition party leaders were able to make unprecedented appearances on television. The Italian state channel RAI Uno has been available in Tunisia for many years; in 1989 the Tunisian Government agreed to allow relayed broadcasting of the French state Channel 2.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but associations and political parties must apply to the Interior Ministry for legal authorization to function. Any group wishing to hold a public meeting must also make a request to the Government 3 days in advance.

The law on parties stipulates that every political party must reject violence in all forms, including fanaticism, racism, and other discrimination. No party can claim to represent a religion, race, sex, or region. No party can receive funds from a foreign party or material aid directly or indirectly from foreign countries or foreigners. All adherents to a party must have been Tunisian citizens for at least 5 years.

Having registered three new parties in 1988, the Government registered no new parties in 1989. As of the end of the year, there were seven legal parties (including the Tunisian

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Communist Party--PCT). Approximately 15 other parties aspired to recognition.

The illegal Islamist party An Nahda, whose candidates averaged 18 percent of the vote when running as independents in the April elections, was refused legal status in June on the ostensible grounds that its leaders had criminal records. The Government did subsequently invite An Nahda to start up its own newspaper.

There is widespread belief that An Nahda receives funding from abroad, in contravention of the law on parties. Moreover, An Nahda's political agenda came sharply into question in October, when party Secretary General Abdelfattah Mourou called for the dismissal of Minister of Higher Education Mohamed Charfi on the grounds that Charfi's educational reform program is "anti-Islamic and anti-Arab." During the fall several Tunisian newspapers which had printed articles critical of Islamists reportedly received threats of physical retaliation.

Tunisia's numerous unrecognized parties and associations are in the position of breaking the law each time they meet. During the summer there was a trend toward tighter control over these groups. Khelifa Abid, Secretary General of the new Labor and Justice Party, was called before the police twice, and the entire political bureau of the Popular Unity Movement (MUP) was called in for questioning by the Interior Ministry during the summer. Several members of unrecognized opposition parties were also reported to have been roughed up, put under surveillance, threatened, and in some cases arrested by government personnel. In June newspapers reported that 40 members of An Nahda and 40 members of the more radical Islamist Liberation Party (ILP) were arrested and fined for illegal distribution of pamphlets.

Other arrests and sentencing followed. Six members of the illegal POCT were arrested in Gafsa and Gabes on charges of illegal distribution of pamphlets critical of government economic policies. Four were sentenced but subsequently pardoned. Islamists claimed that several of their number were arrested in Sfax in September. While well over 100 persons appear to have been arrested and questioned during the summer, it was not known how many were in prison at year's end.

The law governing associations is separate from the law governing parties. The Interior Ministry claimed that over 6,000 nongovernmental associations were operating legally in Tunisia. Under the law, recognized associations must also obtain permission to hold meetings. During 1989 a number of think tanks and community organizations were founded. The Association of Democratic Women, an organization previously denied legal status, was also approved.

During 1989 the main student organizations were routinely granted permission to hold large rallies and elections on campuses. Student organizers spoke freely on campuses and freely posted their views. However, security forces were conspicuously present on Tunisian campuses, including at some high schools, and there were press reports of arrests of members of the Islamist-leaning General Tunisian Student Union (UGTE) during the summer. The UGTE played a major role in instigating nationwide student strikes during the fall.

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c. Freedom of Religion

The Constitution establishes Islam as the state religion, but allows the free practice of other religions. Proselytizing for religions other than Islam is prohibited, although no specific sanctions are prescribed. The Constitution calls on all political parties to respect and defend Tunisia's Arab-Muslim identity, and the president and his parents and grandparents must be Muslim. The current Government has given Islam more prominence in public life than its predecessor did.

The Government controls the mosques. The State pays for the salaries of imams (prayer leaders). According to the 1988 Law of the Mosques, only government-appointed personnel can lead activities in the mosque, except with permission from the Prime Minister's office. The Government sponsors television talk shows in support of government religious policy. Islamists claimed that about 20 government-appointed imams were removed from office in 1989 on suspicion of promoting Islamist goals.

An order from the Prime Minister's office which forbids women to wear the "hijeb" style veil (associated with the Islamist movement) was seldom enforced during 1988 and most of 1989. In September the Higher Education Ministry issued instructions that the order should be more rigorously enforced in high schools. Enforcement of the order was among the stated causes of at least one strike by high school students in 1989. The order was later rescinded, and students are now free to wear the hijeb.

Jews comprise the largest religious minority among Tunisians, with an aging population of about 2,000. The Government assures freedom of worship for the Jewish community and provides for the community's safety. However, emigration continues even among this small group (there were over 100,000 Jews in Tunisia at independence in 1956). Despite official protection for the community, instances of civilian aggression against Jews and synagogues led to an uneasy atmosphere in 1989.

Tunisia's very small Christian community, made up largely of expatriates, freely attends church services. Under an agreement between the Vatican and the Government, several Roman Catholic religious orders remain active. The official ban on Baha'i religious meetings, imposed in 1984, is still in effect.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement in Tunisia, but all citizens must carry identity cards. Roadblocks manned by armed members of security forces (as well as by customs officials, especially near the borders with Libya and Algeria) are common in both city and country. Some Tunisians complained of being stopped arbitrarily and harassed. These roadblocks were set up ostensibly in response to the large foreign presence in Tunisia, including the headquarters of the Palestine Liberation Organization and the Arab League. Islamists reported monitoring of their movements inside the country.

The withholding of passports continued to be a source of concern. The Human Rights League reported that it had filed over 100 cases involving suspended passports with the Interior

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Ministry and said it was continuing to receive new cases. The League noted that the Ministry was promptly and carefully reviewing the cases filed by the League. Those who continued to have trouble regaining passports included members of the 1987 coup plot, as well as others with affiliations to unrecognized political parties. The Government did renew the passport of Islamist leader Rachid Ghannouchi, who was on an extended publicity tour abroad during 1989.

There is no arbitrary restriction on emigration or repatriation. The Government estimated that 406,000 Tunisians were working overseas in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Given various continuing restrictions on political activity and distortions in the 1989 election process, the right of citizens to change their government through democratic means remains in doubt. The largest opposition party remains illegal. The Constitution provides for a parliamentary democracy with separation of executive, legislative, and judicial powers. However, the legislature has limited authority. The President appoints the Prime Minister, the Cabinet, and the 23 governors. The executive is dominated at the national, regional, and local levels by the President and his party. Government and RCD mechanisms are still virtually inseparable. For instance, government and RCD offices are often in the same place.

In the eyes of many observers, the parliamentary elections in April were flawed. The Human Rights League expressed concern at the absence of almost a third of the voting-age population from electoral lists. It deplored obstacles to voter registration which it said were intended to make impossible the participation of some slates of candidates, as well as reports of abuses at the voting booths. Voters chose colored ballots from a table manned by local ruling party members. While voters could theoretically have selected all ballots and then entered the booth to vote secretly, the arrangement was thought to exert pressure on the voter to take only the red ballot of the ruling RCD. The League called for a revision of the electoral code to guarantee effective pluralist representation. In his speech on November 7 to mark the second anniversary of his accession to the presidency, Ben Ali rejected the possibility of implementing proportional representation.

Election debates were relatively unrestricted, and opposition parties were able to hold meetings, put up posters, and monitor the polls. Some opposition candidates spoke on the radio. Although the Islamist party An Nahda was denied official recognition, Islamist candidates were fielded nationwide on independent tickets, and other newly legalized opposition parties participated in the elections.

The postelection period was marred by the arrest and harassment of some opposition figures. The Government continued to deny official status to the Islamist party An Nahda despite the strong showing made in the April elections by the members of the party running on independent tickets (see also Section 2.b.).

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Tunisia is home to several active human rights organizations, all of which are recognized by the Government. The Tunisian League of Human Rights is one of the oldest human rights organizations in the Arab world. Two prominent former members of the League serve in the current Government as Minister of Health and Minister of Higher Education.

On March 23, at President Ben Ali's instruction, the Government permitted the establishment of a new Arab Institute of Human Rights. The Institute is a collaborative effort of the Human Rights League, the Arab Organization for Human Rights, and the Union of Arab Lawyers. A Maghreb Human Rights League has also been formed in Tunis.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The 1956 Personal Status Code (PSC) establishes in most circumstances equal rights for men and women. Women have equal rights in divorce and child custody. Polygamy is forbidden. The Government encourages family planning. Women have equal access to education, are free to participate in commercial and social activities, and have full legal competency from the age of 20.

However, in practice women continue to occupy a subordinate role in society. Under the PSC, daughters receive a smaller portion of an inheritance than sons. The husband is the head of the household, and the wife owes him obedience. Parental power and authority are in the hands of the father. Moreover, custody cases involving marriages between foreign women and Tunisian men are decided in favor of the father regardless of legal decisions made in other countries.

While arranged marriages and marriages between cousins are still common, the trend seems to be toward greater opportunities for women in other areas. According to the 1984 census, 58 percent of females over the age of 10 were illiterate compared to 34.6 percent of males. However, 90 percent of girls have reportedly been enrolled in primary school since 1987 and secondary and university enrollment is currently over 40 percent female. The number of employed women is increasing at a moderate pace, and in 1989 women made up an estimated 20 percent of the work force. Women are most fully represented in medicine, journalism, and teaching.

Psychologists and doctors who have treated victims of domestic violence note that both men and women are victims. They surmise that violence in rural areas stems from difficult living conditions and is not aimed in particular against women. It is difficult to estimate the extent of violence against women since battery of women is not a public issue in Tunisia, and there do not appear to be support groups or other avenues of recourse.

Members of the small Jewish community suffer some forms of discrimination. Generally, Jews do not hold public office or serve in the Interior Ministry or security services. Some Jews who receive foreigners in their homes report having been questioned by police about the visits.

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There were widespread allegations of discrimination based in part on religious sympathies when a number of people the Government identified as Islamist sympathizers were removed from their civil service jobs or transferred to undesirable posts. For example, individuals were removed from positions with Customs, the Interior Ministry, the security services, and the armed forces. Some Islamist schoolteachers were also removed from their schools or posted to remote areas. Twice during August, first at the Prime Minister's office and later at the presidential palace, about 100 Islamists gathered to ask reinstatement in the civil service. Twenty-three who had lost their jobs entered the Human Rights League office on September 8 to announce a hunger strike. They said they represented a total of 350 unemployed Islamists; other observers estimated that there may be several thousand people in this category. The hunger strike was called off when the League agreed to mediate with the Government on the strikers' behalf. The Government had not answered the League's inquiries by the end of the year.

Section 6 Worker Rights

a. The Right of Association

Tunisia's Constitution stipulates the right to organize a union and to strike. The roughly 20 percent of Tunisia's work force that is unionized includes most public sector workers and those in large private establishments.

In 1989 the General Union of Tunisian Workers (UGTT), whose activities were curtailed in recent years, was able to hold elections at the shop and regional level which culminated in an extraordinary congress in April 1989. The Congress brought a new, more independent leadership to power and was followed by the election of new leaders for the 50-odd confederations making up the UGTT. In September the Government returned to the UGTT assets that had been confiscated in the mid-1980's, making the UGTT less dependent on the Government. The UGTT is a member of the International Confederation of Free Trade Unions (ICFTU).

Although the UGTT was able to renew its basic structures, trade unionists in Tunisia have yet to regain other elements of their right to association. For example, regulations dating from a confrontation with the Government in 1985 that prohibit labor meetings at the workplace are still enforced. Another regulation limits the right to strike by requiring all affected member UGTT unions--not just the members in the enterprise to be struck--to approve a strike in advance. Partly as a consequence, there have been no sector-wide strikes since the mid-1980's. Many short, wildcat strikes occur, however, without government interference. The 1989 report of the ILO Committee of Experts (COE) cited this strike authorization procedure, as well as broad government authority to impose compulsory arbitration and to requisition workers during a strike, as incompatible with the right to strike protected by ILO Convention 87 on Freedom of Association.

The same COE report acknowledged steps taken by the Government to conform with Convention 87, including: the reinstatement of public sector workers dismissed for union activity; an amnesty for persons sentenced for offenses committed while members of a union; permitting the convening of congresses on the premises of public enterprises in connection with the 1989 extraordinary congress of the UGTT; authorizing public

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enterprises to deduct union dues for members of the union; and resumption of the dialog between the Government and the workers.

b. The Right to Organize and Bargain Collectively

The Tunisian labor code prohibits the firing of workers for union activity. Workers who feel they have been fired or otherwise discriminated against for legitimate unionism can appeal to the Social Affairs Ministry. At present the Ministry is adjudicating at least 158 cases concerning workers fired for prounion activity. Most of these cases date from the confrontation between the Government and UGTT in 1985.

Tunisian workers exercise the right to bargain collectively. Most trade unions prefer to negotiate wages at the sectoral rather than shop level. Many unionists argue, however, that the absence of the automatic "check-off" (requiring all workers to pay union dues whether they are union members or not, a system which was canceled by the Government in 1983) has deprived the UGTT of a vital source of financing to help it negotiate forcefully.

Labor law and practice are uniform throughout the country. There are no free trade zones as such.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is prohibited by law and is not practiced. Nevertheless, the COE report cited in Section 6.a. called on the Government to fulfill its longstanding commitment to bring laws requiring work "rehabilitation" and compulsory work on economic and social development projects into conformity with Convention 29 on Forced Labor.

d. Minimum Age for Employment of Children

For manufacturing, the minimum age for employment is 15 years; for agriculture it is 13 years. Inspectors from the Social Affairs Ministry check the records of employees to verify that the employer complies with the minimum age law. Despite this law, young children often perform agricultural work in rural areas and sell food and other items in urban areas. Small enterprises in the informal sector reportedly violate the minimum age law frequently.

e. Acceptable Conditions of Work

Tunisia has a labor code dating from independence in 1956 that sets standards, including a 48-hour workweek and a minimum wage, for some 60 percent of the labor force working in the civil service, public sector companies, and professions such as teaching. The labor code also serves as an indirect model for the larger private sector companies. Regional labor inspectors are responsible for enforcing standards. Most firms are inspected about once a year. However, in general the Government does not enforce the minimum wage law, particularly in the nonunionized sectors of the economy. Moreover, a considerable amount of labor takes place in the informal economy. Such labor includes both part-time work in occupations covered by the labor code and activities, such as residential construction, falling outside the code's purview. Work standards in the informal sector are often below government norms.

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Employees covered by the minimum wage law are entitled to receive other benefits, including social security, disability and health insurance, transportation and family allowances, and paid leave. Some covered employees, however, are deprived of these benefits. The labor code requires employers to pay overtime, a night work differential, and holiday pay. In the major urban areas, a minimum wage employee with a family of four nets between \$170 to \$210 per month when allowances are included. In agriculture the base wage is about \$3.85 per day, although this directly applies only to 37 percent of the agricultural work force and does not cover migrant agricultural workers. Supplemented by the benefits listed above, the minimum wage is adequate to provide a decent living for workers and their families. Over the past several years, however, inflation has outstripped increases in the minimum wage, thereby eroding the standard of living.

The Social Affairs Ministry has an office with responsibility for improving health and safety standards in the workplace. In many hazardous jobs--e.g., mining, petroleum engineering, and construction--the Government has established new regulations. These regulations are enforced more strictly in Tunis than in the rest of the country, where much work, especially in construction, is done in the informal sector. It is estimated that there were about 200 work-related deaths in 1989.

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The United Arab Emirates (UAE) is a federation of seven emirates established in 1971. Each emirate retains extensive control over such important matters as economic policy (including oil), internal security, and some aspects of defense. There are no popular elections, either local or federal. Emirate rulers govern by virtue of longstanding tribal tradition. In accordance with the 1971 Constitution, the seven emirate rulers comprise a Federal Supreme Council which is the UAE's highest legislative and executive body, but which seldom meets. In practice, the legislative and executive work is delegated to the various emirates and the more active federal ministries. The Supreme Council selects a President and Vice President from its membership; each serves a 5-year term. The President in turn appoints a prime minister and a cabinet.

Some of the individual emirates maintain independent internal security organizations which are active in antinarcotics and antiterrorist activity. These organizations are under government control.

The economy is based on oil and gas production, which has made the UAE's per capita income one of the world's highest. It has a largely free market economy, but the oil enterprises of Abu Dhabi and Dubai, which account for most of the UAE's revenue, are state-owned enterprises of these two emirates. A small citizen population controls the country's economic life but depends heavily on a much larger contingent of foreigners to provide manual labor and technical skills. The UAE's four emirates with small or no petroleum resources are dependent on federal government subsidies for such essential services as health, electricity, and water.

There were no major changes in the UAE human rights picture in 1989. Principal human rights concerns continued to be abuse of prisoners and restrictions on freedom of speech and press, assembly and association, the right of citizens to change their government, and women's and worker rights.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political and Other Extrajudicial Killing

No political killings or other extrajudicial killings were reported.

b. Disappearance

No political disappearances were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or degrading treatment of any person, and the physical or moral abuse of an accused person. No instances of torture were reported in 1989. However, Amnesty International (AI), in its 1989 Report covering 1988, noted that several criminal suspects were reported to have been tortured, including being caned. It also reported that it had received new information about the alleged torture of criminal prisoners in previous years,

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including a Pakistani national beaten by police in Abu Dhabi in 1986.

In 1989 there was one instance of amputation of a hand as punishment for theft in conformance with clerical (Shari'a) law, which is still an integral part of the judicial system. There were also several criminal cases in which flogging was the prescribed punishment.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arrest, search, detention, or imprisonment except in accordance with the law, and the laws of each emirate prohibit arrest or search without probable cause. By law, the police must report any arrest to a judge within 48 hours for his determination whether to charge, release, or, with sufficient police justification, allow limited further detention pending an investigation. Prolonged detention without charge is rare, although there have been instances where foreign businessmen have been detained pending settlement of a business dispute with UAE nationals. Once charged, suspects come to trial reasonably quickly. The reabsorption of the Ministry of Justice by the Ministry of Islamic Affairs in March 1989 reportedly has made the judicial system slower and less organized. There is no system of bail. In 1989 there were no reported instances of preventive detention. Consular access to imprisoned foreign nationals is permitted, although it is sometimes delayed. There were no known instances of incommunicado detention.

The Constitution prohibits the exile of citizens. Noncitizens convicted of crimes are subject to deportation.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The UAE has a dual system of clerical (Shari'a) and lay courts, each of which deals with both criminal and civil cases. The clerical courts are administered by each emirate, but the lay courts are usually part of the federal system and are answerable to the Federal Supreme Court in Abu Dhabi. However, Dubai's and two other smaller emirates' civil court systems are independent of the federal system. Each court system has a multilevel appeals process. Either the plaintiff or the nature of the case determines which court system hears a particular case. Due process rights are uniformly exercised under both clerical and civil court procedure. There is a presumption of innocence until guilt is proven.

Legal counsel is readily available and permitted to represent a defendant in both court systems. The court may appoint legal counsel if counsel agrees to provide services free; no system of state payment of public defenders exists. However, the losing party may be required to pay the winner's legal fees. The judge looks after the interests of a person not represented by counsel.

There are no jury trials. All cases, except national security cases and those deemed by the judge likely to upset public morality, are open to the public. Most judges are foreign nationals, primarily from other Arab countries. There has been no evidence in at least the past several years of rulers interfering in the judicial process. In 1989 the UAE President did, however, decide by decree that the Ministry of

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Islamic Affairs should reabsorb the Ministry of Justice. Commercial law is still in a rudimentary stage of development in the UAE, and this results in some confusion and accusations of bias. The criminal court system, however, is generally regarded as fair and its judgments well considered. There is no separate national security court system. The military has its own court system based on Western military judicial practice. Military tribunals try only military personnel. There are no known political prisoners in the UAE.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits entry into homes without the owner's permission, except in accordance with the law. Although the police can enter homes without a warrant and without demonstrating probable cause in advance, an officer is answerable if he abuses his authority in doing so. Anyone other than a police officer must have a court order to enter a private home. Local custom and practice place a high value on privacy, and violations of it are rare. There is no surveillance of private correspondence. Except for rare instances involving national security, no cases of arbitrary interference with privacy have been reported in recent years.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

UAE citizens are constitutionally assured freedom of speech. In practice, however, most inhabitants, especially foreign nationals, are circumspect in public discussions of sensitive political topics or in criticizing the Government. All television and radio stations are government owned and conform to reporting guidelines. Although many of the local English- and Arabic-language newspapers are privately owned, all but one receive government subsidies. The press operates under the same self-censorship arrangement as broadcast media.

Self-censorship by journalists make official censorship rare. Local newspapers are normally cautious in reporting on government policy, the ruling families, national security, religious matters, and relations with neighboring states. Several years ago, a newspaper was closed temporarily for reporting to which the Government took exception.

The censorship department of the Ministry of Information and Culture reviews all imported newspapers, periodicals, books, films, and videos, and bans items considered pornographic, violent, derogatory to Islam, favorable to Israel, unduly critical of friendly countries, or critical of the Government or the ruling families. Authorities confiscate material written in the Hebrew language and prohibit sale of Iranian newspapers and magazines. The small publishing industry is subject to government censorship in accordance with the above criteria. The unwritten but widely accepted ban on criticism of the Government also restricts academic freedom.

b. Freedom of Peaceful Assembly and Association

Organized public gatherings require a government permit. In practice, public gatherings are rare. Political organizations are prohibited. The citizen population normally confines its political discussion and debate to the numerous "assemblies" (majlises), held in private homes, which are a local

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tradition. There are no restrictions on the formation of private associations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the official religion. Non-Muslims are free to practice their religion, but may not publicly proselytize or distribute religious literature. By tradition and social custom, non-Muslims may worship in their own way, and several churches exist in major cities. A group of Christian churches in the capital, Abu Dhabi, were built on land which was a gift from President Zayed. Foreign clergymen are allowed to minister to expatriate congregations. No religions other than Islam may conduct religious training. All religions engage in private charitable activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement or relocation within the country except for security areas such as defense and oil installations. Unrestricted foreign travel and emigration are permitted to citizens, except those involved in financial disputes under adjudication. Exit visas are not required. All citizens have the right of return. There are no known instances of revocation of citizenship for political reasons.

The UAE and its members individually have long accepted groups of displaced persons, such as Palestinians and Lebanese, and those attracted by economic opportunity, such as Iranians. Although lacking a formalized procedure for accepting refugees, the UAE has occasionally granted Iranians refugee status if they demonstrate that they would face persecution in Iran. Iranians, if intercepted attempting to enter the country illegally, generally are denied entry.

There were no instances of forced resettlement in the UAE in 1989.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The UAE has no formal democratic institutions, and citizens do not have the right to change their government. The bulk of executive and legislative power is in the hands of the seven emirate rulers, their families, and those individuals and families to whom they are allied by historical ties, marriage, or common interest. These emirate political leaders constitute the dominant political force at the national level, especially through their use of power in the Supreme Council of emirate rulers. Political parties are prohibited.

Although the rulers and ruling families by tradition are presumed to have the right to rule, their incumbency ultimately depends on the quality of their leadership and responsiveness to their subjects' needs. Some emirate rulers are accessible, in varying degree, to citizens who have a problem or request. The choice of a new ruler falls to the ruling family, which is supposed to choose its most capable and respected eligible member. In practice, to avoid violent

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succession disputes, which were common in the past, primogeniture has become the rule.

The political dominance of the ruling families is intertwined with their substantial involvement and influence in economic life. The ruling families and their close allies control and profit from petroleum production and, with important merchant families, have a major stake in the UAE's commercial life. A complex system of distribution of wealth, including through the federal and emirate governments, ensures generous subsidies and a high standard of living for UAE citizens. This in turn has helped to earn a high level of acceptability for the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The UAE has been responsive in some cases to international criticism of its human rights situation. For example, it improved its labor laws following criticism that low-paid foreign workers were being mistreated.

In its 1989 Report, covering 1988, AI noted that it had expressed concern to the UAE authorities about reports of detention without trial and possible torture or ill-treatment of detainees, of threats of forcible repatriation of Iranian nationals, and of executions, but that no responses were received from the Government.

The UAE does not permit any internal groups which would monitor human rights, and no outside human rights group visited the UAE in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Most UAE women still play a traditional family-centered role in UAE society. Traditional attitudes about women's roles and the frequency of early marriage still limit women's educational and employment opportunities. However, women's education is advancing rapidly (females routinely outscore males in many subjects at all levels), and females now outnumber males at the UAE National University. The new medical school has more women than men. Opportunities for women are growing in government service and the media, in addition to the more traditional fields of education and health.

There are no restrictions on the right of UAE women to own property or to engage in marriage contracts as equal partners. A woman's property is not commingled with that of her husband.

Although violence against women, such as wife beating and the abuse of domestic servants, is known to occur in the UAE, little is known about its extent. The Koran is considered to allow a husband to discipline his wife, a principle which some might interpret to permit discipline with force. Abuse occurring within the family is seldom mentioned because of the value attached to personal privacy in this traditional society. The Government does not acknowledge the existence of a problem. Excessive violence against women would be grounds for divorce and criminal charges, but suits brought on these charges in the UAE are believed to be rare.

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Legislation which would limit the marriage of UAE citizens to foreigners is under consideration, and, even at present, only marriage to a UAE male confers citizenship on the spouse. Although many foreigners have lived in the UAE for years and have held highly responsible positions, few have been granted citizenship. The President can grant UAE citizenship for loyal and valuable service to the State.

There is no noticeable discrimination because of race or language. UAE citizens are almost all Arabs and speakers of Arabic.

Section 6 Worker Rights

a. The Right of Association

The right of workers to organize unions and to strike is neither explicitly legal or illegal under UAE law. There are no unions and no strikes. Foreign workers who might attempt to organize a union risk deportation.

The UAE has been a member of the International Labor Organization since 1972, but it has ratified neither its Convention 87 regarding Freedom of Association nor Convention 98 on the Right to Organize and Collective Bargaining.

b. The Right to Organize and Bargain Collectively

There is no legal provision for the right of workers to engage in collective bargaining. For the resolution of work-related disputes, workers must rely on conciliation committees, organized by the Ministry of Labor and Social Affairs, and to special labor courts.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is illegal and not practiced.

d. Minimum Age for Employment of Children

Labor regulations prohibit employment of youths below age 18. Since the children of UAE nationals have little incentive to work and only adult foreign workers are allowed in the country, there is virtually no child labor. There is compulsory education of children to age 12.

e. Acceptable Conditions of Work

There is no legislated minimum wage in the UAE. Work hours are restricted to 8 hours per day, 6 days per week, but this is not strictly enforced. The UAE sets health and safety standards, which are enforced by the Ministry of Health, the Ministry of Labor and Social Affairs, municipalities, and the Civil Defense. The Ministry of Labor and Social Affairs, which oversees such matters as worker compensation, is understaffed and underbudgeted. The Ministry of Health, on the other hand, is active and effective, and has developed a good health care system.

Foreign nationals from Pakistan, India, the Philippines, Bangladesh, and Sri Lanka continue to seek work in the UAE in large numbers because wages are far higher than in their own countries or because work is unavailable there. Foreign workers' salaries often are inadequate to meet the cost of housing and other amenities at prevailing UAE standards.

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However, most foreign workers receive some form of housing from their employer. Employers are required to pay a small sum (less than \$100) for National Health Service cards for foreign workers. The latter then have access to free medical care. The UAE Government has made gifts of numerous social centers for various foreign national groups. Most foreign workers remit as much of their salaries as possible to their families in their home countries. Foreign workers earning more than the U.S. equivalent of \$1,000 per month may bring their families. The vast majority of foreign workers do not qualify to bring their families. The pool of foreign workers, most of them actively recruited from abroad, meets the demand in the UAE for domestic and service workers and manual laborers.

There are many complaints that recruiters use unscrupulous tactics and entice foreign manual laborers and domestics to the UAE on the basis of false salary and benefits promises. Such cases can be appealed to the Labor Ministry and, if this does not resolve the issue, to the courts. However, many laborers are reluctant to protest or to engage in such a lengthy process because of fear of reprisals by their employers. A foreign worker must get permission from the previous employer to move to a new job with a different employer. UAE law provides for a minimum of 24 days per year of annual leave plus 10 national and religious holidays. Though not a legal requirement, many employers provide as a fringe benefit an annual round-trip airplane ticket for the employee to return home. Employers are required to pay airfare both to the UAE when the employee arrives and to his own country when he returns.

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The military and a core of senior, experienced technocrats have dominated the key sectors of government in the Yemen Arab Republic (YAR) since the 1962 revolution which overthrew the theocratic Imamate. The central Government in Sanaa continues to expand its authority to all parts of the country, but tribal leaders in isolated areas are reluctant to surrender their traditional prerogatives, such as tax collecting and mediating disputes. Tribal conflicts and blood feuds occasionally spill into the major cities, and tribesmen in rural areas often carry automatic weapons.

Colonel Ali Abdallah Salih has been President since 1978; his two immediate predecessors were assassinated within 8 months of each other. He was elected to a third 5-year term in July 1988 by the new Consultative Assembly, which has specific oversight powers including giving or withholding confidence in the Prime Minister and his Cabinet. President Salih sets government policy and relies on technocrats to administer the Government and on the military and security services to keep him in power. In 1989 the Consultative Assembly played an increasingly assertive role, questioning ministers closely on expenditures and operations of their ministries. While meeting in Aden on November 30, President Salih and Secretary General al-Bidh, representing the ruling party of the Peoples's Democratic Republic of Yemen (PDRY), ratified a 1981 draft constitution for a unified Yemeni state. The two leaders agreed to submit the constitution to the legislative authorities of the YAR and PDRY for ratification within 6 months and then to the Yemeni people for approval in a referendum during the following 6 months.

Internal security is largely maintained by the central National Security Organization (NSO), whose agents have broad discretion, especially when national security matters are believed to be involved, to detain citizens for questioning, search their homes, and monitor their activities, telephone conversations, and correspondence.

The YAR is a poor country with 9 million people and a rudimentary physical and social infrastructure. Oil revenue in 1989 was expected to compensate partially for the drastic decline in the official remittances received from YAR nationals working abroad, a decline which began in 1983. Import controls and currency controls, imposed in 1986, remain in place. The economy is basically a free-market economy, although the Government controls a wide array of prices, especially in the cities. The small size of proven oil reserves makes rapid development, such as the Gulf countries have experienced, unlikely.

Civil liberties remain broadly restricted, with no significant change from previous years. Major human rights concerns include abuse of prisoners and detainees; arbitrary detention; lack of fair trial in security cases; restrictions on freedom of speech and press, assembly, and association; and the right of citizens to change their government. However, the Consultative Assembly's review and criticism of government policies and actions have led to increased public discussion of government policies. There is informal and some institutionalized discrimination against Yemeni citizens with a non-Yemeni parent. Tribal and traditional social customs tend to restrict women's role in the public side of society.

YEMEN ARAB REPUBLIC

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no confirmed reports that government forces executed individuals for political reasons. In a covertly circulated pamphlet, the underground leftist opposition group, the National Democratic Front (NDF), accused the Government of having killed 250 NDF followers since 1982, including 3 members of the military, shot in Sanaa in December 1987, who were allegedly associated with the NDF. In its 1989 Report covering 1988, Amnesty International (AI) described the killing of the three as "apparently politically motivated."

b. Disappearance

Occasionally Yemenis "disappear" as a result of being detained secretly by the NSO. Most of these detainees are eventually released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution, the National Charter, and Yemeni law proscribe physical torture, security officials reportedly resort with impunity to force or the threat of force to extract information from detainees. Most informed Yemenis believe that the NSO engages in torture on occasion. The Yemeni legal code is based on Islamic Shari'a law, which calls for such punishments as stoning for adultery; however, these penalties are rarely imposed. Flogging of convicted drunkards is occasionally administered in public. AI received reports in 1987 that some prisoners, including children, are manacled for protracted periods of time. There continue to be credible reports that in some cases prisoners' hands had been chained to their necks and ankles.

d. Arbitrary Arrest, Detention, or Exile

There were continuing reports of arbitrary arrests. Detainees were held without charge for extended periods despite constitutional limits on the time police may hold a suspect without judicial concurrence. Persons are sometimes detained without charge while third parties negotiate the payment of tribal law fines or "blood money" by the detainee's relatives to the victim or victims' relatives. Established procedures which allow prisoners to notify relatives and lawyers are seldom observed, especially in cases of arrests by NSO officials. When foreigners are arrested, consular notification is late or nonexistent.

The Constitution prohibits expulsion of Yemenis from the country. Political dissidents have occasionally gone into self-imposed exile or accepted government positions overseas to escape possible problems at home.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are three principal court systems: Shari'a, Commercial, and State Security. The Shari'a (Islamic) courts have

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jurisdiction in all cases outside the domain of the other two, although there is some overlap in commercial law cases. The Shari'a courts, viewed within their traditional Islamic context, appear to be fair and impartial. If the defendant is taken to trial, he is informed of the charges against him at the conclusion of the police investigation. The judge actively questions witnesses. Attorneys are allowed to counsel their clients but are not permitted to address the court or examine witnesses. Litigants in Commercial Courts can generally expect a fair and open trial with legal counsel, although tribal ties and bribery are said to play a role in some judicial proceedings. Defendants in the Shari'a and Commercial Courts enjoy the right of appeal and generally open court sessions. The Shari'a and Commercial Courts are largely independent of the executive, but all decisions, as in the State Security courts, are subject to presidential review and confirmation.

The State Security Courts are convened by the President to try specific cases of espionage or other antigovernment activity. Rights normally afforded the accused may be suspended in security cases. The State Security Courts were not known to have convened in 1989. AI reported in 1989 that five persons were sentenced to death in 1985 and another in 1989 on charges of murder relating to alleged killings said to have taken place in clashes between the NDF and government forces before 1982. AI reported the six, all believed to be members of the NDF, returned to the YAR in response to a mid-1982 amnesty said to allow all members of the NDF to return without fear of persecution. AI also noted lack of procedural safeguards in their trial.

The number of political prisoners is difficult to estimate, but there are probably fewer than 50 long-term detainees.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

National security forces routinely search homes, monitor telephones, read personal mail, and otherwise intrude into private matters when national security is believed to be involved. Automobiles are routinely stopped and searched and the identification of the occupants demanded at intersection checkpoints throughout the country, especially at night.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Restrictions exist on free speech but are largely confined to the urban areas because the Government has only limited control in the countryside. Some Yemenis believe that they may experience difficulty if they are overheard criticizing the Government by national security agents.

The Information Ministry owns and operates the radio and television stations, as well as the major newspapers. The few privately owned (nondaily) newspapers do not voice views contrary to the Government's, nor are they permitted to criticize government policies or personalities. Complaints about government bureaucracy and the implementation of government policy (e.g., import and foreign exchange controls and social services) are permitted.

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The Government removes articles from Yemeni publications which its censors deem inappropriate. There is also considerable self-censorship. The weekly newspaper published by Muslim fundamentalists enjoys more independence than most publications, but it also refrains from direct criticism of senior government personalities.

Several foreign publications, including English language newspapers and magazines, are available in the cities, but those containing material deemed offensive are withheld from distribution. Arabic-language newspapers and magazines published outside the YAR are screened for articles on Yemeni domestic politics, and some were not permitted to reach the newsstands. In the past, the Government has suspended publishing licenses for extended periods to punish independent publishers.

Self-censorship is also practiced at Sanaa University, whose professors and senior administrators must receive NSO clearance before being hired. Most professors, including the many expatriates, do not complain about government interference in their courses or curriculum development. Student organizations independent of the Government are not permitted.

b. Freedom of Peaceful Assembly and Association

Although ostensibly legal, demonstrations are rare. In November 1988, there were violent demonstrations in the southern province of Taiz in response to the killing of at least one civilian following an altercation with a soldier. Also, some Yemeni interest groups such as grape farmers demonstrated before the Consultative Assembly and were received by the Assembly chairman. Because political parties are illegal, the Government's view is that there can be no antigovernment rallies or demonstrations. Some activist Muslim clergymen, however, preach politics, local and international, under the pretext of delivering a sermon after Friday prayers.

Registered organizations, such as professional groups, are allowed to invite outside speakers to lecture on their official premises so long as their speeches do not conflict with government policies.

Contact between Yemenis and foreigners is selectively monitored by the NSO. All government ministries and major organizations have NSO representatives on their staffs. Invitations and requests for appointments from diplomats to senior government officials must be sent through the Foreign Ministry, although contacts with businessmen and parliamentarians are routine. Yemeni visitors to foreign embassies are sometimes questioned by NSO gate guards. The overall effect is to discourage contact between Yemenis and foreigners, although nondiplomatic personnel--for example, officials working on aid projects--generally enjoy good access to their Yemeni colleagues.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the state religion and is professed by virtually all Yemenis. Members of the Zaydi (Shi'a) sect historically have

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enjoyed greater political influence than those followers of the Shafi'i (Sunni) school of jurisprudence, although this distinction is often more geographical and tribal than sectarian and is becoming blurred. The two Islamic communities coexist with little friction and have fewer doctrinal differences than do the Shi'a and Sunni communities in some neighboring countries. Islamic associations with ties to pan-Islamic organizations enjoy a degree of freedom, including the right to operate schools largely independent of the national school system. Radical Islamic revival is not a major force in the YAR, although the influential and well-organized Muslim Brotherhood campaigns for the respect of traditional Yemeni values.

Civil servants swear an oath to Allah, and Consultative Assembly members must, according to the electoral law, be "good" Muslims. In practice, the "good" Muslim rule is only applied to Yemenis, generally leftists, whom the Government wants excluded on political grounds. A willingness to swear the oath to Allah (and to the Yemeni nation and revolution) normally suffices. Although the Constitution does not explicitly refer to equal rights for non-Muslims, it does say: "The State has no right to impose distinctions in human rights due to religion or color or sex or language or natural origin or profession." Accordingly, the prison code provides for freedom of religious practice in prisons.

Almost all of the once substantial Yemeni Jewish population has emigrated to Israel, but 1,000 to 1,500 remain, mostly in rural areas in the north. There are no synagogues, but Jews are permitted to practice their religion, including religious instruction, in private homes. The Government makes a point of ensuring that no impediment to this right exists. Although religious materials are not published in Hebrew in the YAR for the small resident Jewish community, the Government has allowed foreign Jewish groups to distribute Hebrew-language religious materials and religious articles such as phylacteries and prayer shawls.

There are no indigenous Christian Yemenis. Foreign Christians, like Jews, are permitted to conduct private services, but churches are not allowed. Foreign clergy are not allowed to proselytize, but some teach or work in social services.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Many Yemenis historically have sought employment abroad. The Government does not restrict emigration, partly in recognition of the importance to the economy of foreign remittances. Procedures for obtaining passports and the necessary exit visas are sometimes onerous, especially for Yemeni men who have not completed their military service. Yemeni citizens, whether Jews or Muslims, are not allowed to travel to Israel. There are no internal travel restrictions for Yemenis, although numerous checkpoints exist on major roads. Foreigners must register and receive permission to travel outside the capital. An American tourist was detained in 1989 for traveling to areas outside the capital without permission.

As the result of an agreement in 1988 between the YAR and the PDRY to permit citizens of each country to enter the other by presenting only their national identity card, the border between the two countries is basically open to Yemenis for

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the first time in the history of the acrimonious YAR-PDRY relationship. Many PDRY citizens have taken advantage of this accord to visit relatives in the YAR; the traffic from north to south continues to be relatively light.

Of those southerners who fled after the 1986 coup in Aden, approximately 60,000 remain in the north. In 1989 perhaps as many as 5,000 southerners returned to the PDRY, while approximately the same number of wives and children from the south joined their male relatives in exile in the north.

There are about 1,100 Eritrean refugees from Ethiopia at a camp near the coastal town of al-Khawkhah. Several thousand more are scattered throughout the country. The Government closely monitors all political activity by the PDRY and Eritrean refugees. Many of the Palestinians who arrived from Lebanon in 1982-83 have left; the remainder live in a camp near Sanaa and are closely watched by the NSO. The movement and activity of the Palestinians is restricted. Palestinians have not assimilated into Yemeni society largely due to the conservative tribal nature of the society.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political parties are banned, and in practice citizens are unable peacefully to change the Government. There were contested seats during the 1988 Consultative Assembly elections, but candidates were not allowed openly to oppose the President or the National Charter. The President has the final word on all key decisions, appoints ministers, and chooses directly or indirectly the members of various consultative bodies. In principle, the Consultative Assembly could have accepted President Salih's resignation in July 1988 and chosen to elect someone else as President. In practice there was little, if any, likelihood that this would happen.

The Consultative Assembly, 128 of whose 159 members were elected (31 were appointed by President Salih), has the power to ratify government legislation and appointments and to give or withhold its confidence to the Prime Minister and the Cabinet. In the 18 months since it was elected, the Assembly has asserted its prerogatives by having the Government amend its basic program to restrict acceptance of foreign loans, prohibit tax increases, and specify a number of development projects. In 1989 the Assembly rejected one major loan which the Government had strongly urged be approved. Assembly members subjected the Government's proposed budget figures to intense scrutiny and questioning. The Assembly also reviewed international agreements, including Arab Cooperation Council agreements. The Consultative Assembly replaces the previous presidentially appointed Constituent Assembly.

Although the Government maintains that no political opposition groups exist in the YAR, and that everyone supports the National Charter, there are distinct groupings in the Assembly: rightists, leftists, government supporters, traditional tribesmen, technocrats, and Muslim traditionalists. Their political agendas overlap but are not identical. Campaigning in 1988 took the form of pamphlets, posters, and rallies; criticism of rival candidates was not permitted. The actual polling was orderly, and vote counting, by all accounts, was honest.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted one international organization, the International Committee of the Red Cross, to investigate prison conditions in 1989. Otherwise, the Government has generally not permitted organized groups to investigate local cases of possible human rights violations. However, in its 1989 Report, covering 1988, AI noted that it had addressed appeals on behalf of political prisoners and raised other matters with the YAR Government, and that it had "received regular responses."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Jews usually live in relative harmony with their Muslim neighbors. While there have been reports that Yemeni Jews are unfairly treated, persecuted, and eager to emigrate to Israel, there has been no confirmation of discriminatory actions by the Government directed against Yemeni Jews, and there were no reports in 1989 of incidents involving government-inspired or condoned harassment. Violent incidents do occur periodically, however, especially in the countryside. The Government makes consistent efforts to protect the largely rural, isolated Jewish community, both at the local level and, when necessary, through the intervention of senior officials in Sanaa. Still, government control over areas where the Jews live is by no means complete, and disputes must often be resolved within the framework of the existing tribal structure. Jews in tribal areas are disadvantaged in that they cannot rely on the threat of tribal retribution to deter attacks. Jews travel freely within Yemen. A few Jews recently traveled abroad to Arab countries for medical treatment. Travelers to the YAR have been able to meet with members of the Jewish community.

A substantial number of Yemeni citizens with a non-Yemeni parent do not enjoy the full range of their constitutional rights. These people, known as muwallidin, face both institutionalized and informal discrimination. For example, Sanaa University, which is administered by the Government, advertises openings for teaching and senior administrative positions with the stipulation that both parents of applicants must be Yemeni citizens. The same is true for applicants to the YAR's military academy. The two-Yemeni parent rule is not strictly enforced at Sanaa University, however.

Discrimination against muwallidin is not universal or pervasive. Many senior government officials and at least one minister are muwallidin. There is no information that muwallidin are arbitrarily arrested or imprisoned. Although some muwallidin have their status indicated in their Yemeni passports, there are no known travel restrictions against them.

Restrictions on women are largely imposed by culture and tradition rather than law. In 1988 the Government ratified a 1981 International Labor Organization (ILO) agreement mandating equality of opportunity and treatment in the workplace for men and women. The Government publicly opposed the efforts of some conservative tribal leaders and Muslim traditionalists to prevent women from registering to vote in the July 1988 elections; government media reiterated the constitutional right of women to participate in the elections. On the other hand, five women who applied to the

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electoral commission for certification as candidates were pressured by the Government to withdraw their applications to appease Muslim traditionalists, and they did so.

Women now work in the midlevels of several ministries and also in banks and other businesses. Yemen's largest factory group employs women on the same pay scale as men, and women there have risen through the ranks to lower management positions. This same group, however, has a policy of only employing single or divorced women; in principle, the group would accept a written statement of nonobjection from the husband of a married woman, but reportedly none has ever been presented. Women may own property.

Societal pressures often force women to defer to the guidance of male colleagues and the general supervision of male relatives. Women seeking exit visas are frequently asked to demonstrate that male relatives pose no objections to their travel. Education for women in significant numbers began only at the end of the civil war in 1970. The literacy rate for women is approximately 2 percent, but the Government is trying to expand their educational opportunities, including at the university level where about 20 percent of the students are female. However, staffing shortages and other problems continue to hinder the development of education in general. Societal pressures, especially in the rural areas, as well as the demand for their labor, frequently limit the opportunities of women for education.

A form of female genital mutilation, clitorrectomy, is practiced in the coastal region of the YAR (the Tihama), especially among Yemenis of African origin. The extent of the practice of clitorrectomy is unknown. While some individual government health workers in the Tihama actively discourage clitorrectomy, there is no government directive or guidance against the practice. Conservative social mores prevent public discussion or government acknowledgment of this practice. Wife beating and other physical abuse of women occasionally occurs in Yemeni families, but again it is a subject rarely discussed. In cases of abuse, the woman victim usually seeks recourse to her male relatives to pressure the perpetrator to stop the abuse. The victimized woman can seek a legal remedy in court, but social traditions usually impel women and their male relatives to seek mediation to stop the abuse. If mediation or outside pressure fails, the victimized woman may return and live with her male relatives.

YAR family law is dominated by tribal customs and local traditions influenced and modified by Islamic (Shari'a) law. Polygamy is allowed under Islamic law and occasionally practiced in the YAR. The institution of dowry payments, whether the Islamic "mahr" paid by the husband to the wife upon divorce or tribal customary payments made by the groom to the bride's family or to the bride, is widespread. The amount of payments is steadily increasing in spite of government attempts to limit the amount. Divorce is common, as is remarriage.

A government-sponsored women's association exists to promote female education and civic responsibilities.

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Section 6 Worker Rights

a. The Right of Association

Under the YAR labor code, a union may be set up by 100 or more workers upon application to and approval by the government authorities. The labor code prescribes a single union system with one union committee per enterprise, one union branch per locality, one general union per economic sector, and one national umbrella organization, which is the Yemeni Trade Union Confederation. Government employees and some categories of farm workers are excluded from union membership. According to the labor code, unions are prohibited from engaging in any political activity, and their financial records are subject to government oversight. Trade unions are reported to be under heavy NSO influence and have not been known to challenge the Government.

Labor-related legislation neither allows nor disallows strikes, but union-sanctioned strikes do not occur. There have been occasional wildcat strikes, but no reports of government or employer harassment of wildcat strikers or their leaders and no prosecutions.

The Yemeni Trade Union Confederation is affiliated with the International Confederation of Arab Trade Unions and the Communist-controlled World Federation of Trade Unions. The YAR ratified the ILO's Convention 87 on Freedom of Association and Convention 98 on Collective Bargaining in 1976.

In 1989, as in previous years, the ILO Committee of Experts extensively criticized numerous provisions of the labor code which conflicted with the requirements of Conventions 87 and 98. However, the ILO Committee noted the Government's current efforts to amend the labor code to bring it into conformity with international conventions.

b. The Right to Organize and Bargain Collectively

Although the YAR labor code calls on employers to treat workers correctly, it does not contain provisions to ensure worker protection against acts of discrimination by employers, nor does it provide a legal framework for a free collective bargaining system. There is no bargaining, and there are no collective agreements in force. There is no export processing zone in the YAR.

c. Prohibition of Forced or Compulsory Labor

There are no reports of forced or compulsory labor, which is forbidden by the YAR Constitution.

d. Minimum Age for Employment of Children

There is no minimum age for employment of children, but compulsory education requirements, when enforced, would have the same effect. In general, however, these requirements are ignored. Child labor, sanctioned by family custom, is common. Labor by minors aged 12 to 14 is regulated, however, by the Labor Code.

e. Acceptable Conditions of Labor

The rights of workers are enunciated by law, but labor regulations are not strictly enforced. The Ministry of Labor,

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upon a formal complaint by a worker of an employer violation of the labor code, investigates the complaint and seeks restitution for the worker from the employer if the complaint is found valid. Enforcement of the labor code is more prevalent against employers of large numbers of expatriate workers and against foreign employers of Yemeni workers. Hiring often depends on family and tribal connections and there is no minimum wage. The prevailing daily wage for unskilled workers is about \$15, which allows a very modest standard of living for a worker with a family. YAR legal codes prescribe a maximum 8-hour workday (6 during Ramadan), but some workshops operate 10- or 12-hour shifts without penalty.

Local production is largely based on agriculture and cottage industries. While working conditions are sometimes harsh, consistent with the prevailing subsistence economy, the Government has set general safety requirements for larger concerns and occasionally checks to see if they are being observed.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN*

The People's Democratic Republic of Yemen (PDRY) is a one-party state governed by the avowedly Marxist Yemeni Socialist Party (YSP). President Haidar Abu Bakr al-Attas came to power in January 1986, following the violent overthrow of President Ali Nasir Muhammad al-Hasani, who continues to live in exile in the Yemen Arab Republic (YAR). The current regime has purged the Government and YSP of Ali Nasir supporters. The efforts of the YSP to establish a Marxist-Leninist state along Soviet administrative lines have overwhelmed some traditional social and cultural values. An estimated 25 percent of the population has departed the PDRY, mostly to the YAR, since the country gained independence from Great Britain in 1967. In 1989 the ruling party debated political and economic reforms that would more clearly distinguish between party and state, allow a degree of economic incentives to employers and employees, modify the legal system, streamline administrative structures, and permit multiple political parties. While meeting in Aden on November 30, 1989, YSP Secretary General al-Bidh and YAR President Salih ratified a 1981 draft constitution for a unified Yemeni state. The two leaders agreed to submit the constitution to the PDRY and YAR legislative authorities for ratification within 6 months and then to the Yemeni people for approval in a referendum during the following 6 months.

The Ministry for State Security is charged with overseeing internal security operations. The army, regional militias, and the police play subsidiary roles, but in some areas tribal authority effectively supersedes government rules and regulations.

Approximately 40 percent of the 2.3 million inhabitants work as farmers, and their crops account for about 12 percent of the gross national product. The economy remains hampered by severe shortages of basic consumer items and commodities. The Government continues to regulate most sectors of the economy and makes it difficult for even PDRY citizens to import capital. Small shops and service industries remain privately owned and operated. In 1989 the Government allowed limited private ownership of dwellings for the first time in many years. The Government also expressed interest in attracting Western investment and technology, particularly in the oil and mineral resources sector.

The human rights situation overall remains grim, with many rights, such as freedom of speech, association, and the press, sharply curtailed. Other problem areas are abuse of prisoners and detainees, arbitrary arrest and incommunicado detention, lack of fair trial, and inability of citizens to change their government. There appeared to be some modest improvements in 1989, continuing the trend observable over the past three years. Some PDRY citizens believe that the improvement--in particular, liberalized travel measures and a somewhat freer press--is the result of internal pressure on PDRY officials to follow the liberalizing trend in the Soviet Union and Eastern Europe. The regime issued an amnesty for all but the top Ali Nasir supporters with the proclaimed goal of promoting

*The United States maintains no diplomatic mission in the People's Democratic Republic of Yemen, which severed diplomatic relations with the United States in 1969. It is difficult, therefore, to comment authoritatively on conditions in that country.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

national reconciliation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The Ali Nasir exile movement's YAR-based newspaper and an affiliated human rights committee charged the PDRY with the politically motivated killing of several PDRY citizens, including military officers and government officials. The movement regularly accuses the PDRY of political killings, but there is no independent confirmation of these accusations.

b. Disappearance

There were continuing reports of disappearances. As in the past, some apparently were the result of tribal and factional infighting.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Amnesty International (AI) and the Arab Organization for Human Rights (AOHR) noted in their 1989 reports the deaths in custody of three persons under circumstances strongly suggesting ill-treatment had caused the deaths. The Ali Nasir exile movement and an affiliated committee frequently charge that torture is still practiced by PDRY security services. There is no independent confirmation of these charges.

d. Arbitrary Arrest, Detention, or Exile

Incommunicado detention and arbitrary arrests are common. A committee affiliated with the Ali Nasir exile movement identified 23 persons, including some exiles who had returned from North Yemen under a general amnesty first announced in March 1986, who were detained in 1989 without charges. There was no independent confirmation of this allegation. In its 1989 Report covering 1988, AI notes it repeatedly expressed concern about the detention without trial of suspected government opponents.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Many persons are believed to have been imprisoned without trial. Legal procedures for the protection of the accused are routinely ignored or manipulated as in the case of the 1987 show trials of former President Ali Nasir and his followers. The Ali Nasir exile movement charged the PDRY Government with conducting a show trial in 1989 of 14 persons charged with treason before the same judges who convicted and sentenced to death other Ali Nasir supporters in 1987. A committee affiliated with the movement further charged the Government with conducting a show trial of four pilots of Yemda, the national airline. There was no independent confirmation of either allegation.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

- f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

National security is frequently cited as the justification for the pervasive invasion of personal privacy. PDRY security services routinely inspect mail, tap telephones, and arbitrarily search residences and businesses.

Section 2 Respect for Civil Liberties, Including:

- a. Freedom of Speech and Press

Freedom of speech and press is severely restricted. The state-owned electronic media and party newspaper faithfully reflect government views and priorities. In 1989 the state-controlled press reportedly allowed more extensive debate and airing of opinions on draft party and government political and economic reforms. PDRY citizens visiting the YAR have commented that the press appears to be somewhat freer than in previous years.

- b. Freedom of Peaceful Assembly and Association

No public or professional associations, except those sponsored by the State or party, are permitted to operate openly. Unauthorized gatherings are forbidden.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

- c. Freedom of Religion

The Constitution declares that Islam is the state religion and provides for freedom of religious expression. In practice, however, the Government attempts to minimize the influence of religious leaders, and some sermons for Friday prayer are reportedly provided by the Ministry of Religious Affairs. A small Christian community of Indian origin exists in Aden and is allowed to practice its religion.

- d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are some restricted areas in the PDRY, but there were said to be fewer checkpoints on major roads and near the capital in 1989 than there were in 1988. The two Yemens implemented a new accord in 1988 which permits citizens of each country to enter the other by presenting only a national identification card. In November 1989 the PDRY revoked the requirement of obtaining prior police permission for South Yemenis wishing to travel to North Yemen. For the first time in their acrimonious relationship, the border between the two countries is basically open to all Yemenis. Many PDRY citizens have taken advantage of this accord to visit relatives and shop in the YAR. Approximately 60,000 South Yemenis have fled to the YAR since the January 1986 coup. In 1989 as many as 5,000 Ali Nasir exiles may have returned to the south under the general amnesty first announced in 1986 and reiterated several times since. However, counterbalancing this movement south across the YAR/PDRY border was the movement north of approximately 5,000 wives, children, and other relatives of Ali Nasir supporters who were in exile in the YAR.

Regulations governing travel to other countries reportedly

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have also been liberalized. The YSP Politburo approved in November 1989 the lifting of former requirements on foreign travel such as prior police permits, family letters of invitation, exit permits, and travel bonds. Whether other requirements remain is unknown.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The PDRY has no democratic institutions, and ordinary citizens do not have the ability peacefully to change their leaders or the system of government. Political parties, other than the YSP, are banned, and the YSP dominates politics. Other organizations, such as the military and, to a lesser extent, the National Democratic Front (NDF), also play prominent roles. The NDF consists largely of northern Yemenis who waged a guerrilla insurgency against the YAR until 1982; now it is one of several principal factions competing for influence in Aden. Alliances are often based on tribal or regional affiliations; natives of Aden are largely unrepresented in the senior ranks of the YSP.

The Constitution provides for universal suffrage for those over the age of 18, but only candidates approved by the YSP may run for election. An election reform law, reportedly allowing candidates independent of the YSP, self-nominated candidates, and multiple candidates was enacted in 1989. A number of independent candidates competed with YSP candidates in local council elections conducted in November under the new law. The ruling party also announced its agreement in principle to permit multiple political parties and instructed the YSP Politburo to draft a new political parties law. Overall, politics in the PDRY are characterized by violence and coercion. Leading members of the losing faction can often expect imprisonment, exile, or death.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although AI, AOHR, and other human rights groups attempt to monitor the situation in the PDRY, they are not permitted to enter the country to pursue individual cases. An AI delegation did visit the PDRY in 1987, however, to observe a Supreme Court trial, and the delegation met with several senior government ministers during their visit to discuss some of the cases being followed by AI. In its 1989 Report, AI noted that the authorities had provided some information on cases of detention without trial and denied knowledge of others, and failed to confirm three deaths in custody or to explain the circumstances in which they occurred.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The PDRY is a generally homogeneous society and there are few ethnic or linguistic differences. Political factions are based largely on tribal and regional affiliations. Equality of the sexes is mandated by law.

The postindependence government introduced legislation to emancipate Yemeni women. One 1974 law, modeled after the divorce law of Tunisia, restricted polygamy by requiring the official permission of the court for a second marriage, prohibited child marriages, and provided for a considerable

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degree of female protection, including equal rights in divorce. Despite this law, there are still frequent cases of polygamy, child marriage, and arbitrary divorce, especially in the more traditional, rural areas.

Violence against women, including wife beating, doubtless occurs, but there is no information available on its extent.

Section 6 Worker Rights

a. The Right of Association

There are no independent trade or labor organizations. The General Federation of Trade Unions (GFTU), the PDRY's only labor association, is under close YSP control. The GFTU is affiliated with the Communist-controlled World Federation of Trade Unions and with the International Confederation of Arab Trade Unions. The PDRY has ratified Convention 98 on the Right to Organize and Collective Bargaining and the ILO's two forced labor conventions, but not Convention 87 on Freedom of Association. It has been cited by the ILO as not having complied with its obligation to supply reports on ratified conventions in recent years. No information is available on the right to strike.

b. The Right to Organize and Bargain Collectively

The State, through the YSP-controlled unions, purports to represent the rights of workers. There is no collective bargaining, and there are no nongovernmental bodies which address labor grievances. A special export processing zone has been established at Maalla Wharf in the port of Aden. Few PDRY exports have been processed through this zone, however, since January 1986.

c. Prohibition of Forced or Compulsory Labor

There are no reports of forced or compulsory labor.

d. Minimum Age for Employment of Children

The labor code prohibits the employment of children (defined as between 7 and 12 years of age) and young persons (between 12 and 16 years of age). However, apprentice employment of young persons 14 years and older is permitted. Child labor is common but is more prevalent in rural areas than in cities, where children must compete with adults for scarce jobs. Child labor in rural areas is often in the context of work on family, cooperative, or state farms.

e. Acceptable Conditions of Work

There is some legislation regulating conditions of labor, but there is no mechanism for effective enforcement. Labor legislation is uniform throughout the PDRY but labor practice is not. For example, child labor is common in many rural areas, but not in Aden. Many, perhaps most, PDRY workers are farmers; the majority of these work in state-controlled collectives or associations, while the others, in more isolated rural areas, enjoy a greater degree of independence. The labor code stipulates a 42 hour workweek. Information on whether the labor code provides for a minimum wage is not available. The prevailing daily wage for unskilled labor is about \$10.

APPENDIXES

APPENDIX 'A

Notes on Preparation of the Reports

The annual Country Reports on Human Rights Practices are based upon all information available to the United States Government. Sources include American officials, officials of foreign governments, private citizens, victims of human rights abuse, congressional studies, intelligence information, press reports, international organizations, and nongovernmental organizations concerned with human rights. We are particularly appreciative of, and make reference in most reports to, the role of nongovernmental human rights organizations, ranging from groups in a single country to major organizations that concern themselves with human rights matters in larger geographic regions or over the entire world. While much of the information we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources.

The reports by law must be submitted to Congress by January 31. To comply, United States diplomatic missions are given guidance in September for submission of draft reports during October and November; contributions are received from appropriate offices in the Department of State; and a final draft is prepared under the coordination of the Bureau of Human Rights and Humanitarian Affairs. Because of the preparation time required, it is possible that developments in the latter part of the year may not be fully reflected; moreover, reports from some of the nongovernmental organizations are for periods ending well before the end of the year. We make every effort to include reference to major events or significant changes in trends.

We have attempted to make these country reports as comprehensive as space will allow, while taking care to make them objective and as uniform as possible in both scope and quality of coverage. We have given particular attention to attaining a high standard of consistency despite the multiplicity of sources and the obvious problems related to varying degrees of access to information, structural differences in political and social systems, and trends in world opinion regarding human rights practices in specific countries. There is a conceptual difficulty in applying a single standard of evaluation to societies with differing cultural and legal traditions. There is also a problem of perspective in discussing countries that face differing political realities, which must be taken into account in describing the human rights environment. Rather than viewing a country in isolation, these reports take as their point of departure the world as it is and then seek to apply a consistent approach in assessing each country's human rights situation. While we have tried to make each report self-contained by including enough background information to place the human rights situation in context, readers who need to delve more deeply may wish to consult other sources, including previous country reports.

To improve the uniformity of the reports, the introductory section of each report contains a brief setting, indicating how the country is governed and providing the context for examining the country's human rights performance. A description of the political framework and a discussion of the security and law enforcement situation are followed by an economic background statement. The setting concludes with an overview of human rights developments in the year under review, mentioning specific areas (e.g., torture, freedom of speech and press) in which abuses occurred.

The heading of section 1.a. has been changed this year to "Political and Other Extrajudicial Killing" (emphasis added) in order to take into account killings which may not be "political" in a partisan sense but still constitute a human rights violation (e.g., a situation in which police, whether acting as vigilantes or under official direction, deliberately kill suspected criminals.)

In response to growing concern over violations of the rights of noncombatants resulting from internal armed conflict, we have included an optional section 1.g. entitled "Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts." This section is intended to facilitate discussion of certain human rights abuses that may occur in time of armed conflict, but which do not fit readily into any of the other sections of the format. Inclusion of this section in the report on a specific country does not imply a U.S. position on whether the 1949 Geneva Conventions on the Law of War, their 1977 Protocols, or any other particular legal standards may apply.

In a third change in this year's report, responding to concern expressed by the Congress, we discuss in section 5 (Discrimination Based on Race, Sex, Religion, Language, or Social Status) the extent to which violence against women occurs and is condoned by governments. Aside from the above-noted changes, the format for the reports follows that of last year.

The following notes on specific categories of the report are not meant to be comprehensive descriptions of each category but to provide definitions of key terms as used in the reports and to explain the organization of material within the format:

Political and Other Extrajudicial Killing--Includes killings in which there is evidence of government instigation without due process of law, or of political motivation by government or by opposition groups; also covers extrajudicial killings (e.g., deliberate and illegal use of lethal force by the police against criminal suspects); excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out.

Disappearance--Covers unresolved cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified; cases eventually classed as political killings are covered in the above category, those eventually identified as arrest or detention are covered under "Arbitrary Arrest, Detention, or Exile."

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment--Torture is here defined as an extremely severe form of cruel, inhuman, or degrading treatment or punishment, committed by or at the instigation of government forces or opposition groups, with specific intent to cause extremely severe pain or suffering, whether mental or physical. Discussion concentrates on actual practices, not on whether they fit any precise definition.

Arbitrary Arrest, Detention, or Exile--Covers cases in which detainees, including political detainees, are held in official custody without charges or, if charged, are denied a public preliminary judicial hearing within a reasonable period.

Denial of Fair Public Trial--Discusses whether a trial held was both fair and public; failure to hold any trial is noted

in the category above; includes discussion of "political prisoners" (political detainees are covered above), defined as those imprisoned for essentially political beliefs or nonviolent acts of dissent or expression, regardless of the actual charge.

Arbitrary Interference with Privacy, Family, Home, or Correspondence--Discusses the "passive" right of the individual to noninterference by the State; includes the right to receive foreign publications, for example, while the right to publish is discussed under "Freedom of Speech and Press"; includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but does not include cultural or traditional practices, such as female genital mutilation, which are addressed in Section 5 of the report.

Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts--Includes indiscriminate, nonselective killings arising from excessive use of force, e.g., by police in putting down demonstrations (deliberate, targeted killing would be discussed in Section 1.a.). Also includes abuses against civilian noncombatants. This subsection is included only where applicable.

Freedom of Speech and Press--Includes academic freedom.

Freedom of Peaceful Assembly and Association--Includes the ability of trade associations, professional bodies, and similar groups to maintain relations or affiliate with recognized international bodies in their fields. The right of labor to associate and to organize and bargain collectively is discussed under "Worker Rights" (see Appendix B).

Freedom of Religion--Includes the freedom to publish religious documents in foreign languages; addresses the treatment of foreign clergy; addresses whether religious belief affects membership in a ruling party or a career in government.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation--Includes discussion of forced resettlement; "refugees" may refer to persons displaced by civil strife or natural disaster as well as persons who are "refugees" within the meaning of the Refugee Act of 1980, i.e., persons with a "well-founded fear of persecution" in their country of origin or, if stateless, of habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion.

Respect for Political Rights: The Right of Citizens to Change Their Government--Discusses the extent to which citizens have freedom of political choice and can change the laws and officials that govern them; assesses whether elections are meaningful.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights--Includes a discussion of domestic and foreign human rights organizations that follow human rights developments in the country and the government's response to them.

Discrimination Based on Race, Sex, Religion, Language, or Social Status--Discusses discrimination against women, racial and ethnic minorities, and other groups not discussed in other sections of the report, particularly discrimination instigated or condoned by the government. This includes discrimination in employment, housing, education, or restricted access to other economic, social, or cultural opportunities. (Killing, arbitrary detention, or restriction of voting rights or free speech applied for ethnic or religious reasons, for example, would be discussed under the appropriate preceding sections.) Also includes discussion of government tolerance of violence or other abuse against women, e.g., "dowry deaths," wife beating, and female genital mutilation (circumcision).

Worker Rights -- See Appendix B.

APPENDIX B

Reporting on Worker Rights

The Generalized System of Preferences Renewal Act of 1984 requires reporting on worker rights in GSP beneficiary countries. It states that internationally recognized worker rights include "(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." All five aspects of worker rights are discussed in a final section under the heading "Worker Rights." The discussion of worker rights considers not only laws and regulations but also their practical implementation, taking into account the following additional guidelines:

A. "The right of association" has been defined by the International Labor Organization (ILO) to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

The right of association includes the right of workers to strike. While strikes may be restricted in essential services (i.e., those services whose interruption would endanger the life, personal safety, or health of a significant portion of the population) and in the public sector, these restrictions must be offset by adequate guarantees to safeguard the interests of the workers concerned (e.g., machinery for mediation and arbitration; due process; and the right to judicial review of all legal actions). Reporting on restrictions affecting the ability of workers to strike generally includes information on any procedures that may exist for safeguarding workers' interests.

B. "The right to organize and bargain collectively" includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers; the right to protection against interference; and the right to protection against acts of antiunion discrimination. Governments should promote machinery for voluntary negotiations between employers and workers and their organizations. Reporting on the right to organize and bargain collectively includes descriptions of the extent to which collective bargaining takes place and the extent to which unions, both in law and practice, are effectively protected against antiunion discrimination.

C. "Forced or compulsory labor" is defined as work or service exacted from any person under the menace of penalty and for which the person has not volunteered. "Work or service" does not apply to cases in which obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service, normal civic obligations, certain forms of prison labor, emergencies, and minor communal services. Forced labor should not be used as a means of (1) mobilizing and using labor for purposes of economic development; (2) racial, social, national, or religious discrimination; (3) political coercion or education, or as a

punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; (4) labor discipline; or (5) as a punishment for having participated in strikes. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."

D. "Minimum age for employment of children" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. In addition, young people should not be employed in hazardous conditions or at night.

E. "Acceptable conditions of work" refers to the establishment and maintenance of machinery, adapted to national conditions, that provides for minimum working standards, i.e., wages that provide a decent living for the workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour rest day; a specified annual paid holiday; and minimum conditions for the protection of the safety and health of workers. Differences in levels of economic development are taken into account in the formulation of internationally recognized labor standards. For example, many ILO standards concerning working conditions permit flexibility in their scope and coverage. They may also permit countries a wide choice in their implementation, including progressive implementation, by enabling countries to accept a standard in part or subject to specified exceptions. Countries are expected to take steps over time to achieve the higher levels specified in such standards. It should be understood, however, that this flexibility applies only to internationally recognized standards concerning working conditions. No flexibility is permitted concerning the acceptance of the basic principles contained in human rights standards, i.e., freedom of association, the right to organize and bargain collectively, forced labor, and discrimination.

APPENDIX C

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	<i>Slavery Convention of September 25, 1926</i>	<i>Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956</i>	<i>Inter-American Convention on the Granting of Political Rights to Women of May 2, 1948</i>	<i>Convention on the Political Rights of Women of March 31, 1953</i>	<i>Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949</i>	<i>Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949</i>	<i>Protocol Relating to the Status of Refugees of January 31, 1967</i>	<i>Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948</i>	<i>International Covenant on Civil and Political Rights of December 16, 1966</i>	<i>International Covenant on Economic, Social and Cultural Rights of December 16, 1966</i>	<i>American Convention on Human Rights of November 22, 1969</i>	<i>European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950</i>
Africa												
Angola				x	x	x	x					
Benin	x				x	x	x					
Botswana	(x)	(x)			x	x	x					
Burkina Faso					x	x	x	x				
Burundi					x	x	x					
Cameroon	x	x			x	x	x		x	x		
Cape Verde					x	x	x					
Central African Republic	x	x		x	x	x	x		x	x		
Chad					x	x	x					
Comoros												
Congo	x	x		x	x	x	x		x	x		
Djibouti		x			x	x	x					
Equatorial Guinea					x	x	x		x	x		
Ethiopia	x	x		x	x	x	x	x				
Gabon				x	x	x	x	x	x	x		
Gambia, The	(x)	(x)			x	x	x	x	x	x		
Ghana	x	x		x	x	x	x	x				
Guinea	x	x		x	x	x	x		x	x		
Guinea-Bissau					x	x	x					
Ivory Coast	x	x			x	x	x					
Kenya					x	x	x		x	x		
Lesotho	x	x		x	x	x	x	x				

* All of these international human rights conventions have come into force, having respectively been ratified by the required number of states as specified in the final clauses of each convention. The "X" indicates those states that have ratified; parentheses signify countries which are parties based on general declarations concerning treaty obligations applicable prior to independence.

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Africa—Continued												
Liberia	x				x	x	x	x				
Madagascar	x	x		x	x	x			x	x		
Malawi	x	x		x	x	x						
Mali	x	x		x	x	x	x	x	x	x		
Mauritania	x	x		x	x	x	x					
Mauritius	x	x		x	x	x			x	x		
Mozambique					x	x	x	x				
Namibia,												
U.N. Council for					x	x						
Niger	x	x		x	x	x	x	x	x	x		
Nigeria	x	x		x	x	x	x	x				
Rwanda					x	x	x	x	x	x		
Sao Tome												
and Principe					x	x	x					
Senegal	x	x		x	x	x	x	x	x	x		
Seychelles	(x)	(x)		(x)	x	x	x	(x)				
Sierra Leone	x	x		x	x	x	x					
Somalia					x	x	x					
South Africa,												
Republic of					x	x						
Sudan	x	x			x	x	x		x	x		
Swaziland	(x)	(x)		x	x	x	x					
Tanzania	x	x		x	x	x	x	x	x	x		
Togo	x	x			x	x	x	x	x	x		
Uganda	x	x			x	x	x					
Zaire		x		x	x	x	x	x	x	x		
Zambia	x	x		x	x	x	x		x	x		
Zimbabwe	(x)	(x)			x	x	x					

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Central and South America—Continued												
St. Christopher & Nevis	(x)	(x)		(x)	x	x						
St. Lucia	(x)	(x)		(x)	x	x	(x)	x				
St. Vincent and the Grenadines	x	x		(x)	x	x		x	x	x		
Suriname	x	x	x	(x)	x	x	x		x	x		
Trinidad and Tobago	x	x		x	x	x			x	x		
Uruguay			x		x	x	x	x	x	x	x	
Venezuela				x	x	x	x	x	x	x	x	
East Asia and the Pacific												
Australia	x	x		x	x	x	x	x	x	x		
Brunei	(x)	(x)		(x)	(x)	(x)						
Burma	x								x			
Cambodia		x			x	x		x				
China					x	x	x	x				
China (Taiwan only)	x	x		x				x				
Fiji	x	x		x	x	x	x	x				
Indonesia				x	x	x	x		x	x		
Japan				x	x	x	x		x	x		
Kiribati	(x)	(x)		(x)	x	x	(x)		(x)	(x)		
Korea, North				x	x	x			x		x	
Korea, South				x	x	x						
Laos		x		x	x	x		x				
Malaysia		x			x	x						

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East Asia and the Pacific—Continued												
Mongolian People's Republic	x	x		x	x	x		x	x	x		
New Zealand	x	x		x	x	x		x	x	x		
Papua New Guinea	x			x	x	x	x	x	x	x		
Philippines	x	x		x	x	x	x	x	x	x		
Singapore		x			x	x						
Solomon Islands	x	x		x	x	x				x		
Thailand				x	x	x						
Tonga	(x)	(x)		(x)	x	x		x				
Tuvalu	(x)	(x)		(x)	x	x	x		(x)	(x)		
Vanuatu					x	x						
Vietnam	x				x	x		x	x	x		
Western Samoa					x	x						
Europe and North America												
Albania	x	x		x	x	x		x				
Austria	x	x		x	x	x	x	x	x	x		x
Belgium	x	x		x	x	x	x	x	x	x		x
Bulgaria	x	x		x	x	x		x	x	x		
Canada	x	x		x	x	x	x	x	x	x		
Cyprus	x	x		x	x	x	x	x	x	x		x
Czechoslovakia	x	x		x	x	x		x	x	x		
Denmark	x	x		x	x	x	x	x	x	x		x
Finland	x	x		x	x	x	x	x	x	x		
France	x	x		x	x	x	x	x	x	x		x
German Democratic Republic	x	x		x	x	x		x	x	x		

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Near East, North Africa and South Asia												
Afghanistan	x	x		x	x	x		x	x	x		
Algeria	x	x			x	x	x	x	x	x		
Bahrain					x	x						
Bangladesh	x	x			x	x						
Egypt	x	x		x	x	x	x	x	x	x		
India	x	x		x	x	x		x	x	x		
Iran		x			x	x	x		x	x		
Iraq	x	x			x	x		x	x	x		
Israel	x	x		x	x	x	x	x	x	x		
Jordan	x	x			x	x		x	x	x		
Kuwait	x	x			x	x						
Lebanon	x			x	x	x		x	x	x		
Libya	x			x	x	x		x	x	x		
Maldives								x				
Morocco	x	x		x	x	x	x	x	x	x		
Nepal	x	x		x	x	x		x				
Oman					x	x						
Pakistan	x	x		x	x	x		x				
Qatar					x	x						
Saudi Arabia	x	x			x	x		x				
Sri Lanka	x	x			x	x		x	x	x		
Syria	x	x			x	x		x	x	x		
Tunisia	x	x		x	x	x	x	x	x	x		
United Arab Emirates					x	x						
Yemen Arab Republic					x	x	x	x				
Yemen, People's Democratic Republic of				x	x	x		x	x	x		

APPENDIX D

Explanation of Statistical Table

A table listing the amounts of U.S. bilateral assistance for fiscal year 1989 is provided in Appendix E.

Key Abbreviations

DA - Assistance provided under the Functional Development Assistance Program, Development Fund for Africa and the Sahel Development Program.

ESF - Assistance provided under the Economic Support Fund.

NARC's - Assistance provided under the International Narcotics Program.

Peace Corps - Assistance provided under the Peace Corps.

IMET - Assistance provided under the International Military Education and Training program.

MAP - Assistance provided under the Military Assistance Program.

FMS - Assistance provided under the Foreign Military Sales program.

NOTE:

PL 480 - Assistance provided under Titles I and III, and Title II. This data was not available at the time this report was completed.

APPENDIX E

FY 1989 U.S. ECONOMIC AND MILITARY ASSISTANCE - ACTUAL OBLIGATIONS

30-Jan-90	DA	ESF	NARC'S	PEACE CORPS	IMET	MAP	FMS	TOTAL
AFRICA								
Benin	--	--	--	1,650	75	--	--	1,725
Botswana	8,452	--	--	3,861	350	500	--	13,163
Burkina	3,140	--	--	--	100	--	--	3,240
Burundi	1,231	--	--	797	140	--	--	2,168
Cameroon	31,234	--	--	3,494	275	--	--	35,003
Cape Verde	1,765	--	--	52	70	--	--	1,887
Central African Republic	590	--	--	2,485	180	--	--	3,255
Chad	5,400	10,000	--	873	250	2,000	--	18,523
Comoros	700	--	--	338	40	--	--	1,078
Congo	500	--	--	--	25	--	--	525
Cote d'Ivoire	70	--	--	--	150	--	--	220
Djibouti	--	3,044	--	--	135	500	--	3,679
Equatorial Guinea	825	--	--	258	100	--	--	1,183
Gabon	--	--	--	2,144	100	--	--	2,244
Gambia	3,100	--	--	1,153	70	--	--	4,323
Ghana	9,152	--	--	1,940	175	--	--	11,267
Guinea	12,605	--	--	1,341	150	--	--	14,096
Guinea-Bissau	2,080	--	--	662	70	--	--	2,812
Kenya	44,714	10,000	--	3,404	1,030	15,000	--	74,148
Lesotho	9,660	--	--	1,937	70	--	--	11,667
Liberia	9,240	11,000	--	2,943	500	--	--	23,683
Madagascar	14,523	--	--	--	75	--	--	14,598
Malawi	19,895	--	--	2,002	250	1,200	--	23,347
Mali	22,080	--	--	4,064	150	--	--	26,294

FY 1989 U.S. ECONOMIC AND MILITARY ASSISTANCE - ACTUAL OBLIGATIONS

30-Jan-90	DA	ESF	NARC'S	PEACE CORPS	IMET	MAP	FMS	TOTAL
AFRICA (continued)								
Mauritania	210	--	--	1,903	125	--	--	2,238
Mauritius	1,500	--	--	--	20	--	--	1,520
Mozambique	18,622	--	--	--	--	--	--	18,622
Niger	19,855	--	--	3,472	275	225	--	23,827
Nigeria	35,000	11,000	--	--	100	--	--	46,100
Rwanda	7,675	--	--	419	100	--	--	8,194
Sao Tome	300	--	--	--	60	--	--	360
Senegal	20,169	25,000	--	2,501	475	500	--	48,645
Seychelles	--	3,000	--	323	50	--	--	3,373
Sierra Leone	540	--	--	2,973	70	--	--	3,583
Somalia	4,261	8,000	--	--	900	--	--	13,161
South Africa	19,150	13,300	--	--	--	--	--	32,450
Sudan	4	--	--	--	900	--	--	904
Swaziland	6,939	--	--	1,581	50	--	--	8,570
Tanzania	5,440	--	--	1,212	50	--	--	6,702
Togo	2,740	--	--	2,946	100	--	--	5,786
Uganda	13,631	--	--	--	150	--	--	13,781
Zaire	32,513	--	--	3,275	1,000	3,000	--	39,788
Zambia	6,100	--	--	--	--	--	--	6,100
Zimbabwe	5,000	--	--	--	200	--	--	5,200

FY 1989 U.S. ECONOMIC AND MILITARY ASSISTANCE - ACTUAL OBLIGATIONS

30-Jan-90	DA	ESF	NARC'S	PEACE CORPS	IMET	MAP	FMS	TOTAL
CENTRAL AND SOUTH AMERICA								
Antigua	--	--	--	--	25	340	--	365
Argentina	--	--	--	--	125	--	--	125
Bahamas	--	--	--	--	30	--	--	30
Barbados	--	--	--	--	35	100	--	135
Belize	7,600	--	--	2,445	100	500	--	10,645
Bolivia	24,611	11,750	10,000	--	400	5,000	--	51,761
Brazil	--	--	200	--	125	--	--	325
Chile	--	--	--	--	50	--	--	50
Colombia	--	2,867	10,000	--	1,000	7,100	--	20,967
Costa Rica	9,784	90,100	--	3,547	230	--	--	103,661
Dominica	--	--	--	--	50	205	--	255
Dominican Republic	20,128	--	--	2,673	700	--	--	23,501
Ecuador	17,201	9,000	1,000	3,526	650	4,000	--	35,377
El Salvador	62,288	190,887	--	--	1,400	80,000	--	334,575
Grenada	--	--	--	--	80	--	--	80
Guatemala	33,329	80,524	--	4,173	400	9,000	--	127,426
Guyana	--	--	--	--	50	--	--	50
Haiti	27,980	--	--	198	100	--	--	28,278
Honduras	37,716	15,000	--	6,269	1,100	40,000	--	100,085
Jamaica	51,620	25,000	1,000	3,046	300	3,500	--	84,466
Mexico	--	--	15,000	--	225	--	--	15,225
Nicaragua	--	5,000	--	--	--	--	--	5,000
Paraguay	--	--	--	2,727	125	--	--	2,852
Peru	17,725	2,000	10,500	--	520	2,500	--	33,245
St. Christ-Nevis	--	--	--	--	50	155	--	205
St. Lucia	--	--	--	--	50	120	--	170
St. Vincent	--	--	--	--	50	480	--	530
Suriname	--	--	--	--	25	--	--	25
Trinidad & Tobago	--	--	--	--	40	100	--	140
Uruguay	--	--	--	--	125	500	--	625
Venezuela	--	--	700	--	125	--	--	825

FY 1989 U.S. ECONOMIC AND MILITARY ASSISTANCE - ACTUAL OBLIGATIONS

30-Jan-90	DA	ESF	NARC'S	PEACE CORPS	IMET	MAP	FMS	TOTAL
EAST ASIA AND THE PACIFIC								
Burma	--	--	120	--	260	--	--	380
Cambodian Resistance	--	5,000	--	--	--	--	--	5,000
Fiji	--	--	--	1,360	50	--	--	1,410
Indonesia	47,798	--	--	--	1,800	1,000	--	50,598
Kiribati	--	--	--	509	--	--	--	509
Korea	--	--	--	--	1,500	--	--	1,500
Malaysia	--	--	--	--	950	--	--	950
Micronesia	--	--	--	2,030	--	--	--	2,030
Papua New Guinea	--	--	--	1,788	50	--	--	1,838
Philippines	46,665	298,000	--	5,856	2,600	125,000	--	478,121
Singapore	--	--	--	--	50	--	--	50
Solomon Islands	--	--	--	1,292	30	--	--	1,322
Thailand	14,921	5,000	4,150	4,011	2,200	22,000	--	52,282
Tonga	--	--	--	850	50	--	--	900
Tuvalu	--	--	--	14	--	--	--	14
Western Samoa	--	--	--	1,315	--	--	--	1,315
EUROPE AND NORTH AMERICA								
Austria	--	--	--	--	30	--	--	30
Cyprus	--	20,000	--	--	--	--	--	20,000
Finland	--	--	--	--	35	--	--	35
Greece	--	--	--	--	700	30,000	320,000	350,700
Iceland	--	--	--	--	25	--	--	25
Ireland	--	--	--	--	30	--	--	30
Malta	--	--	--	--	50	--	--	50
Poland	--	3,000	--	--	--	--	--	3,000
Portugal	--	50,000	--	--	2,550	--	100,000	152,550
Spain	--	--	--	--	2,100	--	--	2,100
Turkey	--	60,000	350	--	3,400	69,250	430,750	563,750
Yugoslavia	--	--	--	--	100	--	--	100

FY 1989 U.S. ECONOMIC AND MILITARY ASSISTANCE - ACTUAL OBLIGATIONS

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	30-Jan-90	DA	ESF	NARC'S	PEACE CORPS	IMET	MAP	FMS	TOTAL
NEAR EAST, NORTH AFRICA, AND SOUTH ASIA									
Afghanistan *		22,500	45,500	--	--	--	--	--	68,000
Algeria		--	--	--	--	100	--	--	100
Bangladesh		71,753	--	--	--	300	--	--	72,053
Egypt		--	815,000	--	--	1,500	--	1,300,000	2,116,500
India		44,424	--	--	--	300	--	--	44,724
Israel		--	1,200,000	--	--	--	--	1,800,000	3,000,000
Jordan		--	15,000	--	--	1,750	--	10,000	26,750
Lebanon		2,496	300	--	--	400	--	--	3,196
Maldives		--	--	--	--	30	--	--	30
Morocco		13,550	20,000	--	3,051	1,000	--	52,000	89,601
Nepal		15,339	--	--	2,674	100	500	--	18,613
Oman		--	15,000	--	--	100	--	--	15,100
Pakistan		50,000	215,000	6,800	328	915	--	230,000	503,043
Sri Lanka		28,005	--	--	714	160	--	--	28,879
Tunisia		162	11,250	--	1,560	1,400	--	30,000	44,372
Yemen Arab Republic		23,300	--	--	1,408	1,000	500	--	26,208

*For emergency and refugee programs in Afghanistan and Pakistan.

